

CITY OF WHITEWATER

PLAN AND ARCHITECTURAL REVIEW COMMISSION

Whitewater Municipal Building
Community Room
312 W. Whitewater Street
Whitewater, WI 53190
May 10, 2010
6:00 p.m.

(AMENDED TO ADD SIDEWALK CAFÉ ITEM 12)

1. Call to order and roll call.
2. **Hearing of Citizen Comments.** No formal Plan Commission action will be taken during this meeting ON CITIZEN COMMENTS although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.
3. Reports:
 - a. Report from CDA Representative.
 - b. Report from Urban Forestry Commission Representative.
 - c. Report from Park and Recreation Board Representative.
 - d. Report from City Council Representative.
 - e. Report from the Downtown Whitewater Inc. Board Representative.
 - f. Report from staff.
 - g. Report from chair.
4. Approval of the minutes of March 8, 2010 and April 12, 2010.
5. 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.
6. Review proposed Certified Survey Map combining parcels into one lot for the Regent Apartment complex for DLK Enterprises Inc.
7. Review proposed addition to the greenhouse located at 301 County Highway U for

Whitewater Greenhouses LLC.

8. Hold a public hearing for consideration of a conditional use permit application for a proposed 25 foot clear span bridge to cross the creek on the property located at 1621 S. Pearson Lane for Jim Caldwell.
9. Hold a 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.
10. Hold a public hearing to consider 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.
11. Review and potential action on revised Landscaping Guidelines for new development in the City.
12. Review and make recommendation to 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.
13. Information:
 - a. Placement of cows as decorative art for the Guild on the Triangle at 141 W. Whitewater Street.
 - b. Possible future agenda items.
 - c. Next regular Plan Commission meeting- June 14, 2010.
14. Adjourn.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Zoning Administrator, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@ci.whitewater.wi.us.

The City of Whitewater website is: ci.whitewater.wi.us

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
COMMENTS
May 10, 2010

NOTE: The Plan Commission meeting will start at 6:00 p.m.

Unfortunately, because of the possible length of this meeting we will have elections at a later date for Chair, Co-Chair and appointments to Boards and Commissions that are appropriate. We will have this on the June meeting date. So keep that in mind for anyone that would like to be reappointed or for anyone that would like to step down and have someone else follow in their footsteps. We very much appreciate all that you do for the City of Whitewater.

- 5. 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.** This will create a somewhat smaller Supercenter with a department store and grocery/food store area. City staff has been communicating with Walmart's representatives for several months now and they wish to present their proposal in front of the Plan Commission as a conceptual review. The time frame, if we can come to agreement, with the conditions that we have set out for them such as dressing up the building, providing a safe pedestrian sidewalk system from Main Street back to the building, providing a detailed traffic analysis for the Main Street driveway areas, providing adequate information with regard to stormwater collected and discharged from their property and meeting the landscaping requirements that are spelled out in the City of Whitewater ordinances. They have held a public information meeting at City Hall and received several comments on the project. We have issued several concerns to them as I have outlined to you earlier in this message. The plans that you will be reviewing do not reflect any of the changes that will be required to meet code. Walmart wishes to present the plans to you on Monday night, May 10, to get your input before they go back to the drawing board and redesign this project to follow and meet our requirements. In your tours around Jefferson, Janesville and other communities that have Walmarts please pay particular attention to the outside of their buildings, the maintenance of their buildings and stormwater and traffic impacts that have been associated with their new installations or their remodeling. City staff has visited Jefferson individually. Some city staff has reviewed and visited the complex in Monroe, Wisconsin. More information and discussion will be at the meeting. The anticipation is that they will be back in July for final review and approval.
- 6. Review proposed Certified Survey Map combining parcels into one lot for the Regent Apartment complex for DLK Enterprises Inc.** This is a housekeeping item, Certified Survey review and approval, to combine parcels for the existing Regency Apartment Complex as one of the conditions for recommendation of approval on this project.

held, that will limit non-family households to 2 or less unrelated individuals. Wally will have comments in regard to this and present a recommendation for approval subject to comments.

11. Review and potential action on revised Landscaping Guidelines for new development in the City. Kristine, thank you very much for all the hard work you have put into this along with Mark Roffers, Megan and staff at Val deWalle's Office, and Chuck Nass. Additional comments and recommendations will be made at the meeting.

12. Review and make recommendation to 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. Kevin and the City Council have asked that the Plan Commission review and make recommendation to the City Council for the conditional use request for Liquor License expansion for out on city sidewalks be reviewed by City Council. Wally will explain more at the meeting.

13. Information:

a. Placement of cows as decorative art for the Guild on the Triangle at 141 W. Whitewater Street. The cows would be just below the "Whitewater Dairy" signs. Mark, Megan and I have reviewed the City of Whitewater's sign ordinances and in reviewing them we feel that these are decorations and that administratively we are approving them to be installed. If you have concerns and comments in regards to this feel free to comment on them and we will take the appropriate actions.

b. Copy of Big box Ordinance for June meeting.

c. Possible future agenda items.

d. Next regular Plan Commission meeting- June 14, 2010. Elections for the Boards and Commissions, Chair and Co Chair for the Plan Commission will be instituted.

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
March 8, 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.

City Manager Kevin Brunner explained that he was excited about the Tech Park Innovation Center and wanted to get the Plan Commission updated on the process. He showed an artist's rendering of the southwest view of the proposed Innovation Center. The Innovation Center will be a 40,000 sq. ft. building, LEED certified silver. There is a separate Plan Commission for the Tech Park. The Tech Park Plan Commission includes a Plan Commission member and the Tech Park Board. In order to proceed with the building, they need approval from the Federal Government Economic Development Administration. They will be going to Chicago Tuesday, March 9, with their bid package. They expect to hear the results before the end of March. The proposal will go out for bid by April 1, 2010. The bids will be received by mid April. The results will go to the CDA and then to the City Council for final approval. An April 27th ground breaking for the Innovation Center is planned for 4:00 p.m. They have a major tenant for the building, CESA II. There will be 30 new employees. They will provide training and support services for 75 school districts in southern Wisconsin.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA discussed their relationship with Walworth County and is weighing the benefits. They also discussed the Tech Park and the CDA relationship. There are still some documents that need to be finalized on that. The CDA held a first time home buyers seminar last Saturday and will be holding a lead paint workshop on March 17th at the Cravath Lakefront Center. The CDA did not receive the assessment grants for the cleanup of the properties at 503 S. Janesville Street, 216 E. Main Street and 202 E. Main Street.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller explained that their first meeting was basically a structuring meeting. They elected a chair and secretary. The Chairperson is Tiiu Gray-Fow and the Secretary is Richard Ehrenberg. The Urban Forestry Committee is an advisory group to the Park Board.

c. Report from Park and Recreation Board Representative. David Stone explained that the Board had a discussion about Trick or Treating and if it should stay on October 31st. They decided to

keep trick or treating on October 31st. The Park Board discussed having a 5K community run to benefit the student who has cancer. The Board also discussed a future use sports policy.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the City Council discussed possible changes to the parking in the downtown area. The City does provide quite a few 24 hour free spaces, which were looked at possibly requiring a daily permit. They discussed possibly allowing daytime use by others when permit holders are away for the day. The Council approved an engineering contract for design of Clay Street reconstruction between Green Street and Dann Street. An additional note for the Innovation Center is that JP Cullen is to serve as the construction manager.

e. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa, Design Committee Chair explained that they had reviewed the Main Street Shops which is on tonight's meeting; and also they are holding their annual award banquet at Hyland Hall on March 18th, from 6 to 9 p.m. There are numerous awards to be presented which include: Volunteer of the Year, Honorary Board Member, Best Public/Private Partnership, Best Public Improvement Project Built Environment, Best Façade Rehabilitation over \$7,500, Best Adaptive Reuse Project, Best Promotional Item, Best New Business, Best Downtown Image Campaign/Event, and Best Volunteer Program/Project.

f. Report from staff. No report.

g. Report from chair. No report.

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

PUBLIC HEARING FOR A CHANGE N THE DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO BE REZONED FROM AT (AGRICULTURAL TRANSITION RESIDENCE) ZONING DISTRICT, UNDER CHAPTER 19.42 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER; TO PCD (PLANNED COMMUNITY DEVELOPMENT) ZONING DISTRICT AND ASSOCIATED GDP (GENERAL DEVELOPMENT PLAN), UNDER CHAPTER 19.39 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER:

Legal Description:

Part of the NE 1/4 of the NE 1/4 of Section 7, T4N, R15E, City of Whitewater, Walworth County, Wisconsin, to-wit:

Commencing at the NE corner of said Section 7; thence S88°18'33"W, along the north line of said NE 1/4, 321.49 feet to the point of beginning; thence continue S88°18'33"W, along said north line, 395.44 feet; thence S1°41'27"E, along the east line of Lot 1, Certified Survey Map No. 1334, 377.47 feet to the SE corner thereof; thence S88°17'16"W, along the south line of said Lot 1 and its extension, 342.05 feet; thence S0°07'17"E, 403.34 feet; thence N88°18'33"E, 714.43 feet; thence N0°48'37"E, 781.53 feet to the point of beginning, containing 10.000 acres and subject to a road right of way across the northerly 33 feet.

(Part of Tax Parcel # /WUP 00324 being rezoned for proposed senior housing, south of Walworth Ave. at Buckingham Boulevard).

Zoning Administrator Bruce Parker explained that this proposal would be located west of the High School, east and south of the Brotoloc property and south of Walworth Ave. directly across from Buckingham Blvd. The land is currently zoned AT (Agricultural Transition). They are requesting the property to be rezoned to PCD (Planned Community Development). There will be eight 8-unit buildings, ranch style single family units. There will be public sidewalk installed across their property. On the west side of the property there will be a walkway for the occupants of the buildings, which will be built wide enough and strong enough for fire and rescue department equipment. There is a future planned outlet from the site (two options) depending on how the Hoffmann property develops. The Plan Commission holds the public hearing at this meeting, then if recommended, will go to the City Council next week. Silverstone Partners will provide more specific details, lighting, landscaping etc. with their SIP (Specific Implementation Plan) submittal when they continue with the project if they get their government funding.

Tom Sather, representing Silverstone Partners Inc., explained that they have 1000 units throughout Wisconsin. This proposal is for 64 units – senior style cottages. They have to go through a process for the Section 22 Tax Credit, which allows for rent based on income. Rents would range from the mid \$400's up to \$1000. Their application to WHEDA is due by March 26th for which they need evidence of appropriate zoning for the proposal. They will find out in June whether or not they will receive the funding. They plan to break ground late in the year with occupancy about Labor Day 2011. They had their civil engineer at the meeting in case there were engineering questions.

Chairperson Torres closed the public hearing.

City Planner Mark Roffers explained that most of the recommendations are to be taken care of with the SIP (Specific Implementation Plan) submittal. Roffers noted he had spoken with Mr. Hoffmann and Attorney Mitch Simon who requested a change in the recommendations to allow the rezoning and the GDP to be null and void if there is not an approval of the SIP by December 31, 2010. The Plan Commission must note in their approval that the proposal is consistent with the Comprehensive Plan, along with the conditions of approval.

Plan Commission Member Coburn asked if there could be sidewalk on at least one side of the private drive. She was also concerned about the position of the clubhouse, so close to Walworth Ave. (lack of privacy for hot tub etc. and the amount of available parking for the club house); and the fitness room being so small.

City Planner Roffers explained that City Staff and the applicant will work that out between now and the SIP stage. When asked if there could be sidewalk on both sides, Roffers stated that there would not be enough room for two sidewalks along the driveway. Landscaping would be sacrificed. He did not have a problem with that in that it is not a public or through street.

Tom Sather explained that the Club House was planned to be closest to Walworth Ave., per the management company, in order to make it easy to find and for security purposes. There will be someone in the office during the day monitoring the traffic into the development. The traffic will be low density. The fitness room will have three pieces of equipment. When asked about the neighborhood meeting, he explained that approximately 60 neighboring property owners were invited (per the City's 300 ft. mailing list). Twelve to fifteen people showed up at Randy's for the meeting. One person was opposed, but all in all it was a good meeting. Someone asked about basements, and two car garages instead of one car garages. Basements are an issue due to

the depth of the bedrock. Most seniors have one car. The one car garages have worked out well in all their other developments.

Plan Commission Member Binnie wanted to clarify the applicants' answers to the standards. The standards are a little confusing. a) the proposal will not create a nuisance or have an adverse effect on the neighboring properties and e) the proposal will not have an adverse affect on traffic; h) yes, the development will not substantially reduce the availability of sunlight or solar access on adjoining properties.

City Planner Mark Roffers stated that the standards are taken directly from the Zoning Ordinance.

Plan Commission Member Zaballos suggested having boxes that can be checked "No, it will not; or Yes it will". She also asked about family members staying with the tenant.

Tom Sather explained that spouses are allowed to live in the unit, even if they are less than 55 years old. Other family members could visit, but not stay for extended periods of time. They have not had any problems of this type with their other developments. Most units are two bedroom units which is the most popular. The second bedroom is usually not used as a bedroom, but as a sewing room, den etc. There is one unit in each building that does not have two bedrooms. The other space is the mechanical room which holds the central boiler for the building.

The Board voiced concerns of: the darkness of the interior units, possibly adding sky lights; parking for the units (one car garage); a sidewalk or path to the high school; having the porch step at least six feet is crucial if you want the porch to be used.

Tom Sather noted that the windows are large and the units are not so dark. Sather stated that if the High School installs sidewalk on their property, they will install sidewalk on this property.

City Planner Mark Roffers explained that there is room for additional parking on the site plan, but will not be installed unless it is needed. It would not be difficult to solve a parking issue. When questioned if there was wetland in this area, he explained that there were no wetlands in the area of this proposal.

The City Planners recommended that the Plan and Architectural Review Commission first find the proposed rezoning consistent with the City's Comprehensive Plan, then approval of PCD zoning and the General Development Plan for Buckingham Court, located on Walworth Avenue, subject to the following conditions as amended at the meeting:

1. The site shall be developed in general accordance with the Site and Landscaping Plan (sheet L-1) dated 2/17/10; the 8 Unit Floor Plan (sheet A-1) dated 8/27/08; the Utility Plan (sheet 2) dated 2/2010; the Grading Plan (sheet 1) dated 2/2010; the North, East, South, and West Elevations (sheet A1) dated 8/27/08; the Clubhouse Floor Plan and North, West, South, East Elevations (sheet A2) dated 8/27/08 (with clubhouse construction required with initial development); the Project Overview: Proposed Senior Cottage Development, Walworth Street at Buckingham Blvd. submitted for review at the 3/8/10 Plan Commission meeting; and the Buckingham Court sign plan submitted for review at the 3/8/10 Plan Commission meeting, except as any changes to those plans are required to meet the conditions that follow.

2. Prior to submittal of the SIP for this project, the applicant shall arrange a meeting with City

planning, zoning, and engineering staff and consultants to review SIP submittal expectations.

The Specific Implementation Plan submittal(s), shall include the following:

- a. Detailed/revise site plan.
- b. Detailed/revise landscape plan, including the species of plants proposed, their size at the time of installation, and a table indicating how the City's landscaping guidelines are being met.
- c. Detailed site lighting plan, including locations, fixture types, and photometric plan.
- d. Detailed/revise building elevations and floor plans, including color samples/photo renderings.
- e. Detailed signage plan for all signs related to that SIP phase (materials, colors, size, lighting).
- f. Complete/revise erosion control, grading, and stormwater management plans and calculations addressing the concerns/comments of the City's engineering consultant in his letter dated 2/25/10, with additional discussion warranted on sidewalk/emergency access issues.

3. As part of the SIP submittal, the applicant shall make the following revisions to the site/landscaping plan, 8-Unit Floor Plan, and Elevations:

- a. On the site/landscaping plan, adjust the route of the pathway on the western side of the lot so it meanders, and indicate other pedestrian amenities such as benches. Soften the two sharp-angled turns shown toward the southern end of the pathway and include other appropriate modifications to make it more accessible to emergency vehicles.
- b. Clearly indicate on the site/landscaping plan that the developer will install sidewalk along the south side of Walworth Avenue from the western lot line of the Buckingham Court property east until it reaches the western lot line of the high school property.
- c. On the site/landscaping plan, indicate additional trees and other landscaping on the western side of the lot surrounding the walking path and also in the yard areas between the two northeastern-most buildings and the eastern lot line, and between the western-most building at the end of the private drive and the southwestern lot line.
- d. On the site/landscaping plan, adjust the locations of the buildings as necessary to ensure that the rear of all portions of all buildings are set back a minimum of 30 feet from all lot lines and the northeastern-most building is setback a minimum of 30 feet from the front lot line.
- e. On the site/landscaping plan, 8-unit floor plan, and elevations, expand the width of the front porch to 6 feet, bringing the porch closer to or beyond the front of the garages.
- f. Include fences between the rear-yard patio areas, including a detail sheet.
- g. Add additional striped parking in key locations on the site, in a number and location to be discussed between the applicant and City staff.

4. Prior to SIP submittal, work with City staff to prepare and record a development agreement or other appropriate legal document to ensure the developer will reserve land for at least one future driveway connections in the southwest corner of the lot, as indicated on the GDP, and to be indicated on revised site plans submitted with the SIP. The document shall also specify that when adjacent land to the south and west develops, the developer or other property owner in the future of the 10-acre piece agrees to install the driveway connection, subject to all City of Whitewater standards, in whichever of the two reserved roadway orientations is deemed most appropriate at the time given future road patterns.

5. Planned Community Development zoning shall take effect only upon Plan Commission approval of a Specific Implementation Plan for the Buckingham Court project. Until that time, the land shall remain zoned AT Agricultural Transition. If no Specific Implementation Plan is approved by December 31, 2010, the PCD zoning and General Development Plan shall be null and void.

6. Prior to the issuance of a building permit, the applicant shall pay a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the 64 additional housing units being added to this property, and shall work with City staff in advance of the SIP submittal to determine whether any park improvement fee credit will be provided in conjunction with the clubhouse construction.

Moved by Binnie and Coburn to find the proposed rezoning consistent with the City's Comprehensive Plan and approve and make recommendation to the City Council for the rezoning from AT (Agricultural Transition) to PCD (Planned Community Development) and the GDP (General Development Plan) for the proposed senior housing (Buckingham Court) subject to the conditions as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR PROPOSED MINOR REVISIONS TO THE PCD (PLANNED COMMUNITY DEVELOPMENT) SPECIFIC IMPLEMENTATION PLAN FOR WATERS EDGE SOUTH (THE SMALLER LOTS ALONG PARKSIDE DRIVE) TO ALLOW EITHER SINGLE STORY (LIBERTY PLAN) OR TWO STORY (ROOSEVELT PLAN) SINGLE FAMILY HOMES INSTEAD OF ZERO LOT LINE DUPLEXES. Chairperson Torres opened the public hearing for consideration of the proposed revisions to the PCD (Planned Community Development) plan for Waters Edge South (smaller lots along Parkside Drive) to allow single story (Liberty Plan) or two story (Roosevelt Plan) single family homes instead of zero lot line duplexes.

City Planner Mark Roffers explained that this proposal is for the north side of Parkside Drive, which was originally approved for zero lot line duplexes. Last August, the plan was changed to allow 1500-1600 sq. ft. two story single family houses (Roosevelt plan). The applicant is now asking for a second model option (Liberty plan) which is a 2 bedroom ranch style approximately 1300 sq. ft.

Tom Larson, Teronomy Builders, explained that want to do a quality project and they needed a ranch style plan. There are only a few items in the City Planner's report that they disagree on. They felt that the recommendation #5 was too specific. They did not want to limit the buyers in their choice of interior finishes.

City Planner Mark Roffers explained the reason for this is that these properties are located in an owner occupied environment. The units are small units, making them more accessible to owner and rental as well. The City wants the units to lend themselves to owner occupancy over time. Rental units sometimes have lower quality materials used in them. Roffers also explained that it was not the colors he was concerned about, it is the construction quality. He is looking for owner occupied quality. Roffers suggested a second option, which was to require that no individual entity or group could own more than two units in a complex.

Chairperson Torres stated that he was opposed to the extra regulations as it was not done on the single family residences in the past. Rental units cannot be prevented. Plan Commission Member Coburn noted that the City is looking for a list of different choices for the interior. Plan

Commission Member Zaballos voiced a concern that the changes to the project tend to lose value of quality every time a project comes back to Plan Commission. The suggestion is to work within a range of quality for home ownership.

Tom Larson suggested that they have created more quality by progressing to something better. Larson also wanted to clarify the \$2000 site deposit (is it per lot or for the entire area?). The site deposit is for the site grading and stormwater improvements for the area. He did not have a problem with that. Larson had no problem with adhering to the City's landscaping guidelines. Larson asked about the possibility of changing the rear yard setback to allow for a screen porch, deck or window addition.

City Planner Mark Roffers stated that the rear yard setback is 25 feet. He felt that this could be a substitute for outdoor space and would be reasonable.

Sandy Troemel, 210 E. Parkside Drive (immediately to the west of these smaller lots), wanted to make sure that the west side yard setback for a house on Lot 37 would be 15 feet as approved at the August meeting and that the Roosevelt style home will be built on Lot 37; and noted that Teronomy agreed to put more plantings along that lot line between the properties for more protection.

Chairperson Torres closed the public hearing.

Plan Commission Member Stone asked about the amendment to the Development Agreement, page 2 (f). Is the City o.k. with acknowledging the easement?

City Attorney McDonell explained that the Developer is going to grant the City the right to put the bike path on their property and that they agree to the donation of property for a purpose without payment and want for tax purposes, a record of the transfer of value. The City agrees and has no problem acknowledging the transfer and that there is value to it.

City Planner Mark Roffers explained that the approval would be first of all to find the proposal consistent with the Comprehensive Plan and then approve the Liberty Style homes with conditions.

City Planner Mark Roffers recommended the City of Whitewater Plan and Architectural Review Commission approve the proposed revisions to the Planned Community Development (Specific Implementation Plan) for Waters Edge South to enable a second ranch-style, single-family home design on lots 11 through 37 on Parkside Drive (the Liberty Plan, which would not be allowed on Lots 24, 32, 34, and 37) in addition to the previously approved Roosevelt Plan, subject to the following conditions associated with the SIP as a whole as amended at the meeting:

1. The project shall be constructed in accordance with the Liberty Plan building elevations dated 2/12/10; the Roosevelt Plan elevations dated 8/31/09; the Liberty Plan foundation and floor plans dated 2/12/10; the Roosevelt foundation and floor plans dated 8/09; the Liberty Plan photo renderings dated 2/12/10; the Roosevelt Plan photo renderings dated 8/31/09; the Color/Siding Options for Single-Family Homes on Lots 6-11, Block 8 and Lots 24-37, Block 2 dated 8/31/09; the Liberty Plan Typical Landscape Detail dated 2/9/10; the Typical Landscape Detail for the Roosevelt Plan dated 9/9/09; The Table Comparison Roosevelt vs. Liberty Plan dated 2/12/10; the Liberty Plan Bullet Points dated 2/12/10; the Amended Grading and Erosion Control Plan dated 2/19/10; the Storm Sewer Plan dated 9/8/09; the Typical Lot Utility Detail for Either the Roosevelt or Liberty Models dated 2/19/10; the

Revised Specific Implementation Plan—Liberty Plan dated 2/19/10; the Revised Specific Implementation Plan—Roosevelt Plan dated 2/19/10; except as changes to those plans are required to meet the conditions that follow.

2. Prior to the issuance of any building permits, the applicant shall revise and resubmit the Declaration of Restrictions dated September 2004, or submit proposed new restrictions to apply only to lots 6 through 11 and 24 through 37 for City staff approval, and provide evidence that such restrictions have been recorded with the Register of Deeds. Such restrictions shall specify the following:
 - a. If required landscaping will be installed by the future lot owner/homeowner (and not the developer of Waters Edge South), specify that the lot owner shall be responsible for providing a minimum of 250 points of landscaping around the building foundation and pavement areas, plus a minimum of 250 points of landscaping elsewhere on the lots, consistent with the City of Whitewater landscaping guidelines, which defines the point system. The restrictions should further specify that all landscaping must be planted within one year of occupancy of the respective house.
 - b. Specify that no two houses of similar front elevation/façade shall be spaced less than 4 lots apart from one another. In order for houses to be deemed dissimilar, houses cannot have the same building elevation or the same combination of color/siding options. A difference in the placement of the garage (i.e., left or right of house) shall be considered a difference in building elevation, provided that no two houses with elevations that are identical except for the placement of the garage are located on abutting lots.
 - c. Specify that the occupancy of each single family home shall be limited to the occupancy restrictions as set forth for the R-1 Single Family zoning district for the City of Whitewater, or any other similar future single-family zoning district that takes its place.
 - d. Indicate that no accessory buildings shall be permitted on the lots.
 - e. Indicate that no property owner shall make alterations to the grading of any site in a manner different from the approved grading plan, unless such alterations are first approved by the City of Whitewater Director of Public Works. The approved grading plan for these lots shall be attached to the declaration of restrictions.
 - f. Require that the property owners for each pair of properties that share a sewer lateral sign a maintenance and easement agreement to ensure and specify provisions for access to the joint laterals for maintenance purposes. Such provision will be enforced through submittal of recorded agreements before building permits are issued over the appropriate lots, or by other means as approved by the Director of Public Works.
 - g. Account for any other changes to the previously approved plans for this part of the overall PCD plans for Waters Edge South that relate to continuing obligations of the future owners of these Lots 6 through 11 and 24 through 37.
3. Prior to the issuance of any building permits, the applicant shall revise and resubmit the following components of their application:
 - a. For Roosevelt plan photo renderings (i.e., the color sketches, not the detailed elevation sheets) add to the titles, “Roosevelt Plan, Waters Edge South” For the

Liberty plan photo renderings, add to the title Waters Edge South, and identify the color/siding option it represents.

- b. For the descriptions of the garage door that are indicated as being “white” on the “Color/Siding Options” sheet, add an additional note that specifies that the garage is without windows.
 - c. On the Roosevelt plan elevations and the Liberty plan foundation and floor plans, include a note that says “Plan may be adjusted to allow for alternate garage placement on the west side of units.”
 - d. For the “Typical Landscaping Detail” sheet for the Roosevelt plan, add a label that says “Roosevelt Plan.” For the Typical Landscaping Detail” sheets for both the Liberty and Roosevelt plans, specify that the applicant/developer will be responsible for terrace tree installation within 6 months of the construction of each lot.
 - e. Revise the grading plan to address all recommendations from the City’s engineering consultant, clearly label all driveways as being paved, and revise the note indicating the rear yard setback so that it is indicated to be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
 - f. On the Revised Specific Implementation Plans for both the Roosevelt Plan and the Liberty Plan, revise the note indicating the rear yard setback will be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
 - g. On the “Liberty Plan Bullet Points” sheet revise the second to last bullet to say, “The side and front yard setback requirements for this Liberty plan will be the same minimum requirements as the previously approved Roosevelt plan. The rear yard setbacks for both the Liberty and Roosevelt plans will be a minimum of 25 feet, except for patio/enclosed porch additions which may extend as close as 15 feet from rear property lines.
 - h. Provide three complete copies of bound documents including the revised building elevations, color/siding options, photo renderings, and all other approved documents and these conditions of approval together into a single document, with a cover page, along with an introduction describing that for each house there will be the option of constructing either the Roosevelt or Liberty model (identify those lots upon which the Liberty model cannot be constructed), any of the three building elevations, combined with any of the color/siding options, subject to the “anti-monotony” provisions outlined in the Declaration of Restrictions.
 - i. Resubmit the tree planting plan for the north side of Parkside Drive for approval by the City Forester.
4. Prior to the issuance of any building permits, the applicant shall address all outstanding issues related to grading, erosion control, and utilities, to the satisfaction of the City’s engineering consultant, and as specified in the engineering consultant’s email dated February 26, 2010, and his letter dated August 27, 2009.
 5. The applicant shall construct the homes and market the lots for owner occupancy at time of initial construction. Prior to the issuance of any building permits, the applicant shall submit proposed selection options for initial installation of interior finishes for City Planner

approval, of a type and range that support their initial and long-term occupancy as high-quality, owner-occupied units.

6. The applicant shall pay a site improvement deposit of \$2,000, which shall be refunded once grading and storm sewer improvements are completed in accordance with the associated approved plans for the SIP, street terrace trees are installed per the approval of the City Forester, and document(s) assuring landscaping to the standard advised in the approved Liberty Plan/Roosevelt Plan Typical Landscape Detail is recorded against the affected lots.
7. All conditions and restrictions proposed to be included in restrictions against the lots, as indicated in the above conditions, are also to be considered conditions of approval of this PCD, and enforceable by the City as such.
8. Prior to the issuance of any building permits on Lots 10 and 11 within the PCD amendment area, all submitted plans shall be adjusted so that the east side yard setback for the building and any future additions on Lot 11 is no less than 15 feet, except that the Zoning Administrator may approve a lesser side yard setback upon written confirmation from the adjacent property owner to the east that such reduced setback is acceptable. To respond to this condition, the PCD may be adjusted to reduce the number of housing units, or restore a zero lot line duplex on Lots 10 and 11, without further Plan Commission action.
9. Prior to the issuance of any building permits within the PCD amendment area (lots 6 through 11 and 24 through 37), the applicant shall sign the revised development agreement associated with Waters Edge South.
10. Prior to the issuance of building permits for affected lots, property owners sharing sewer laterals shall sign maintenance agreements as specified in an above condition, or the developer and the City Director of Public Works shall arrive at an appropriate alternative solution.
11. The developer shall restore any driveway openings in the terrace area that are no longer required in their current locations, installing curbing, removing unnecessary hard surfaces, and landscaping terrace areas.
12. No more than 13 of lots 6 through 11 and 24 through 37 shall be developed with the Liberty model home. The Zoning Administrator will confirm that this number is met before any building permit is issued.
13. There shall be no side yard air wells to lower story windows that extend closer than 5 feet from any property line, to maintain both appropriate grading and for resident safety.

In the event that the applicant notifies the City of its intent not to proceed with either or both of the August 2009 and March 2010 SIP amendment approvals by December 31, 2010, the applicant shall be entitled to build zero-lot-line duplexes on all applicable lots per past SIP approvals.

Moved by Binnie and Zaballos to find the proposed minor revisions to the PCD (Planned Community Development) Specific Implementation Plan consistent with the City's Comprehensive Plan and approve the minor revisions to allow either single story (Liberty Plan) or two story (Roosevelt Plan) single family homes on the smaller lots along Parkside Drive instead of Zero Lot Line Duplexes; subject to the City Planner's conditions as amended. Motion approved by unanimous roll call vote.

REVIEW EXTERIOR ALTERATIONS AT 162 W. MAIN STREET (MAIN STREET SHOPS) FOR CHRIS HALE. Zoning Administrator Bruce Parker explained that the Downtown Design Committee had approved the new exterior alterations for 162 W. Main Street.

Zoning Administrator Bruce Parker explained that he had spoken with Dave Saalsaa, Downtown Whitewater Design Committee Chairperson, in regard to this project. The Design Committee had approved the new exterior alterations. The applicant, Chris Hale, has worked out the issues of the signage and banners. The mansard roof will be removed and new brick columns and decorative lighting will be installed. The restaurant area will have a new awning. There will be four lights over the restaurant sign. There will be a canopy over the new main entrance and at the east end of the building over the windows. The east side and back of the building will remain as is (except the graffiti on the back of the building will be removed.)

Chris Hale explained that there will be a common sign over the common entrance, but due to the trees in front of the building, he would like to put the address over the main entrance doors and the "Main Street Shops" in the area on the right or east end of the front of the building. The letters will be solid letters and will not be lit. There are seven suites inside the building. They are requesting seven banners which will be approximately four feet apart.

City Planner Mark Roffers stated that they can have no more than 50 sq. ft. per sign plus the banners. The signs can also be no more than 10 % of the 12' frontage. Roffers would like to see everything on one plan.

Plan Commission Member Coburn suggested that the style of lettering should be changed so that it is clearer and easier to read.

Dave Saalsaa, Design Committee Chairperson, explained that the Design Committee approved maintaining the two signs on the building; they are in favor of the flip flop of the address and "Main Street Shops" sign. The Committee has also approved the paint and brick color. Saalsaa stated that they liked the exterior changes, and he hoped the Plan Commission did too.

Roffers clarified his recommendations.

City Planner Mark Roffers recommended the City of Whitewater Plan and Architectural Review Commission approve the exterior alterations, signage, and lighting plans for 162 W. Main Street, Main Street Shops, subject to the following conditions as amended at the meeting:

1. Exterior alterations shall be made in accordance with the plans submitted for the 3/8/10 Plan Commission meeting, including the Site Plan (sheet SP-1) dated 2/26/10, the Main Floor Plan and Basement Plan (sheet A-1) dated 2/26/10, the South Elevation and East Elevation (sheet A-2) dated 2/26/10, the Wall Section, Anchor Detail, and North Elevation (sheet A-3) dated 2/26/10, the restaurant sign detail sheet, the Angled Wall Bracket Lantern detail sheet dated 9/13/03, the "Cans and Bullets" lighting detail sheet, the projecting sign detail sheet dated 2/12/10, and the elevations indicating the building/signage color scheme, except as changes to those plans are necessary to meet the conditions that follow.
2. Prior to the issuance of any sign permits, the applicant shall make the following revisions to his plans, ensure that all plans are consistent with one another, and resubmit such plans for City staff approval:
 - a. On the South Elevation sheet and the elevations showing the overall building/signage color scheme, switch the location of the address sign with the

- group sign and meet all wall sign standards considering both signs plus the banner signs.
- b. The projecting signs detail sheet shall be revised to indicate the dimensions of the projecting signs will not exceed 12 square feet.
 - c. The restaurant sign detail sheet shall be revised to indicate the dimensions of the sign will not exceed 35 square feet.
 - d. On the South Elevation sheet and the elevations showing the overall building/signage color scheme, show the location, characteristics, and size of the proposed window sign, in compliance with all City of Whitewater sign ordinance standards.
 - e. Revise the elevations showing the overall building/signage color scheme to include a date, property address, name and address of the owner, name and address of the architect, and a scale bar.
3. The applicant shall install no more than seven projecting signs on the south elevation of the building. Additional projecting signs shall not be permitted without review and approval by the Plan Commission.
 4. The lettering on all projecting signs shall be oriented in the same direction (either vertically or horizontally directed letters on all signs).

Signage shall not be permitted on the east or north facades of the building unless approved at a later date by the Plan and Architectural Review Commission, in order to ensure continued compliance with the City's sign ordinance for the building.

Moved by Binnie and Coburn to approve exterior alterations to the building at 162 W. Main Street (Main Street Shops) for Chris Hale subject to the conditions of the City Planner as amended at the meeting. Motion approved by unanimous roll call vote.

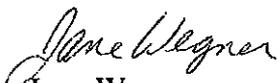
REVIEW AND POTENTIAL ACTION ON REVISED LANDSCAPING GUIDELINES FOR NEW DEVELOPMENT IN THE CITY. This item was postponed to the April Plan Commission meeting.

INFORMATION:

The next regular Plan Commission meeting will be April 12, 2010. Zoning Administrator Bruce Parker explained that so far there is only a certified survey map for the next Plan Commission meeting which could be moved to the May meeting. He asked if the Plan Commission wanted to still have the Design Guidelines on the April Meeting if nothing else came in. The Plan Commission agreed that the Design Guidelines could wait until the May meeting also. Parker was going to see what might come in yet this week and then let the Plan Commission members know if there will be an April meeting or not by Monday, March 15, 2009.

Moved by Zaballos and Coburn to adjourn at approximately 8:20 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,


Jane Wegner
Secretary

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
April 12, 2010

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

Plan Commission Secretary Wegner called the meeting of the Plan and Architectural Review Commission to order at 6:20 p.m.

PRESENT: Binnie, Dalee, Stone, Coburn, Miller. ABSENT: Torres, Zaballos. OTHERS: Wallace McDonell/City Attorney, Bruce Parker/Zoning Administrator, Wegner/Secretary.

As both the Chair and Vice Chair were not available for the meeting, Miller nominated Binnie as Chairperson Pro-Tem for the meeting. The nomination was seconded by Dalee, and approved by unanimous roll call vote.

REVIEW THE PROPOSAL TO ACQUIRE LAND FOR THE STARIN ROAD EXTENSION FROM NORTH FREMONT STREET TO HIGHWAY 59/NORTH NEWCOMB STREET AND MAKE A REPORT TO THE COUNCIL WHICH WILL INCLUDE APPROVAL OR NON-APPROVAL BY THE PLAN COMMISSION OF THE ACQUISITIONS. City Attorney McDonell explained that it is required by State Statutes that before the City Council can acquire land and finalize the location of the road, the Plan Commission must review and make a report to the City Council. The City Council approved this proposal at the April 6, 2010 City Council meeting, contingent upon the Plan Commission's review and report. If the Plan Commission did not approve, the Council would need their review and comment of why they did not approve. The Plan Commission would be approving the location of the acquisition for the roadway for the extension of Starin Road from Fremont Street to Newcomb Street. This is a particularly opportune time to proceed with this project along with the development of the Innovation Center in the Whitewater Business Park and as part of the grant application and process. The City will need to acquire land from both Roger and Christine Kutz and the Kligora Trust. The City and its engineers have worked to come up with the best location for all parties.

Zoning Administrator Bruce Parker explained that there would be 1.91 acres of the Kutz property for the road right-of-way with 5.5 acres south of the right-of-way that the City would be acquiring. There would also be 2.55 acres of road right-of-way from the Kligora Trust property with an additional 1.68 acres that the City would be acquiring. There are wetland areas on both of these acquisition areas.

Plan Commission Member Stone asked about the right of way width. It was determined that the right of way is approximately 70 feet and the pavement area would be approximately 40 feet. Stone also noted that the Starin Road extension is a part of the North Whitewater Neighborhood Plan and is also consistent with the City of Whitewater Comprehensive Plan.

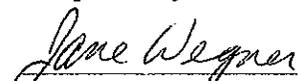
Chair Pro-Tem Binnie explained that there were some comments at the Council meeting about the proposed road not being a straight route from Fremont Street to Newcomb Street. There were residents in favor of the curvy road, thinking that it would calm the traffic as it comes through town.

Chair Pro-Tem Binnie asked for any comments from the public. There were no comments.

Moved by Miller and Stone to approve the plan to acquire land for the Starin Road extension.
Motion approved by unanimous roll call vote.

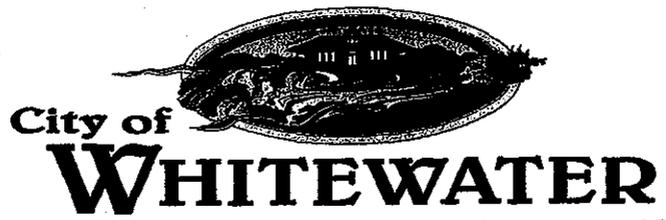
Moved by Miller and Stone to adjourn the meeting at approximately 6:30 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,



Jane Wegner
Secretary

#5



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
 312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
 (262) 473-0540 • Fax (262) 473-0549
 www.ci.whitewater.wi.us

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. for a conceptual review of the proposed addition to the Wal-Mart store located at 1362 W. Main Street to create a Wal-Mart Supercenter with department store and grocery/food store.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



 Bruce Parker, Zoning Administrator

A-1709-1
ALLEF PARTNERS LLC
C/O WALMART PROPERTY TAX DEPT
P O BOX 8050
BENTONVILLE AR 72712-8050

A-2522-3
ST PATRICKS CONGREGATION
1225 W MAIN ST
WHITEWATER WI 53190

W-1
WHITEWATER TEKE ASSOCIATION
C/O JON PYZYK
7730 FORSYTH SUITE 300
CLAYTON MO 63105

W-8
ALAN J REIN
MARDEL L REIN
W6892 KETTLE MORAIN DR
WHITEWATER WI 53190

W-20
CITY OF WHITEWATER

WUP-159
DLK FARM SERVICE INC
1398 W MAIN ST
WHITEWATER WI 53190

WUP-355,356
DLK ENTERPRISES INC
P O BOX 239
WHITEWATER WI 53190

A-1709-2
RUIZ HOLDINGS LLC
5849 GLENMOOR LANE
JANESVILLE WI 53545

A-2766-1
AKSHAR HOSPITALITY LLC
203 LILLIAN PL
BARTLETT IL 60103

W-2
MARK S NEUMANN
PAUL R JORGENSEN
P O BOX 671
OCONOMOWOC WI 53066

W-12
JOHN L CRUMMEY
MARGO A CRUMMEY
W7928 TIMBER TRAIL
WHITEWATER WI 53190

WM-1
DANIELS INVESTMENTS, LLC
P O BOX 810
WALWORTH WI 53184

WUP-160G
SILVER CREEK APARTMENTS
P O BOX 629
WHITEWATER WI 53190

A-2522-1
ST PATRICKS CONGREGATION
MULBERRY GROVE LLC
20711 WATERTOWN ROAD SUITE
WAUKESHA WI 53186-1881

A-2766-2
FRAWLEY ENTERPRISES
WHITEWATER
P O BOX 630
WHITEWATER WI 53190

W-4
WILDON H CULVER
BRENDA J SCHUMACHER
1240 W SALISBURY LANE
WHITEWATER WI 53190

W-16
CITY OF WHITEWATER

WM-2
COMMERCIAL BANK
P O BOX 239
WHITEWATER WI 53190

WUP-219
ST PATRICKS CONGREGATION
126 S ELIZABETH ST
WHITEWATER WI 53190

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of each month. All completed plans must be in by 9:00 a.m. four weeks prior to the scheduled meeting. If not, the item will be placed on the next available Plan Commission meeting agenda.

CITY OF WHITEWATER
PLAN REVIEW APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least two weeks prior to the meeting. \$100.00 fee. Filed on 4-19-10.
2. Agenda Published in Official Newspaper on 5-6-10.
3. Notices of the public review mailed to property owners on 4-26-10.
4. Plan Commission holds the public review on 5-10-10. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the public review, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.63 of the City of Whitewater Municipal Code of Ordinances, entitled PLAN REVIEW, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 1362 West Main Street
Zoning of Property B1 Community Business District

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:

- A. The size and locations of:
 - 1) Rooms;
 - 2) Doors;
 - 3) Windows;
 - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
 - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
 - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
 - 7) Chimney(s) - include also the type of construction (masonry or factory built);
 - 8) Heating equipment;
 - 9) Cooling equipment (central air conditioning, if provided);
 - 10) Attic and crawl space access; and
 - 11) Fire separation between dwelling and garage.
 - 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim _____, Siding _____, Roofing _____.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**

- A. Single family;
- B. Duplex;
- C. Multifamily # units _____;
Condominium # units _____;
Sorority # units _____;
Fraternity # units _____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls _____;
- G. Other;

City of Whitewater
Application for Plan Review

(Initial/Concept Review
Only)

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Wal-Mart
Applicant's Address: 2001 SE 10th Street
Bentonville, AR 72716 Phone # _____

Owner of Site, according to current property tax records (as of the date of the application):
Wal-Mart Real Estate Business Trust
Street address of property: 1362 West Main Street
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
Attached

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Kerry Hardin, P.E.
Name of Firm: RA Smith National
Office Address: 16745 W Bluemound Road
Brookfield, WI 53005 Phone: 202-317-3283
Name of Contractor: N/A

Has either the applicant or the owner had any variances issued to them, on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: Wal-Mart department store Current Land Use:
Accessory or Secondary Uses: off street parking and loading, outside display and storage
Proposed Use
20,000+ square foot addition to existing building to create Wal-Mart Supercenter with department store and grocery/food store.
No. of occupants proposed to be accommodated: 0
No. of employees: 100+
Zoning District in which property is located: B-1 Community Business District
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located: Section 19.27.030 (P)

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
<p>A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;</p>	<p>AS this is only a conceptual submittal, Wal-Mart's design team is still working to achieve compliance with all yard requirements, minimum landscaped area and parking stall requirements applicable to the B-1 Community Business District.</p>
<p>B. The proposed development will be consistent with the adopted city master plan;</p>	<p>The City's comprehensive plan identifies the commercial corridor at the west end of West Main Street as ripe for redevelopment. Sustainable features to be incorporated into this redevelopment by Wal-Mart advance the sustainability goals in the City's plan</p>
<p>C. The proposed development will be compatible with and preserve the important natural features of the site;</p>	<p>As Wal-Mart proposes to redevelop its existing store site, very few natural features exist on the site today. Wal-Mart's design team continues to work to minimize encroachment into the wetland and wetland buffer at the north west corner of the site.</p>
<p>D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;</p>	<p>Wal-Mart's proposed store expansion and upgrade are anticipated to enhance area property values.</p>

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p>Wal-Mart anticipates implementing improvements to improve traffic circulation. While Wal-Mart expects to provide the least amount of parking needed to service its customers and to maximize the landscaped areas on the site, on-site parking to be provided</p>
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	<p>Wal-Mart proposes to add approximately ^{will be adequate.} 29,000 SF of building space to the back and side of its existing store building. Not only the proposed addition, but also the existing store building, will be upgraded to comply with Wal-Mart's new branding initiative.</p>
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	<p>Wal-Mart's site is not on the National Register of Historic Places.</p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p>Wal-Mart's addition will have no impact on sunlight or solar access on adjoining properties. Wal-Mart will, however, integrate various energy saving features into this expanded development.</p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Plan Review" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

Kerry Hardie
Applicant's Signature

4/16/10
Date

APPLICATION FEES:

Fee for Plan Review Application: \$100

Date Application Fee Received by City 4-19-10 Receipt No. 6.008494

Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 1-26-10
Date set for public review before Plan & Architectural Review Board: 5-10-10

ACTION TAKEN:

Plan Review: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

Kerry Hardin, the applicant/petitioner for
(Owner's Name): Wal-Mart, dated: 4/16/10
Phone # 262-317-3283, tax key #(s) 1A 170900001

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 16 day of April, 2010

Fees to be paid hereunder shall be limited to \$10,000 in fees incurred by the City on behalf of Wal-Mart in consideration of conditional use and/or plan review to facilitate Wal-Mart's proposed store expansion. Fees in excess of \$10,000 must be authorized by a separate Agreement of Services.

Kerry Hardin (Signature of Applicant/Petitioner)
Kerry Hardin (Printed Name of Applicant/Petitioner)

(Signature of Owner of Property & Date Signed)

(Printed Name of Owner of Property)

Suggested Legal Description

Part of the Southwest 1/4 of the Northwest 1/4 of Section 5 and the Southeast 1/4 of the Northeast 1/4 of Section 6, all in Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin bounded and described as follows:

Commencing at the E 1/4 corner of said Section 6; thence North 05°15'58" West 35.00 feet to the north right of way line of West Main Street and the point of beginning of the lands to be described; thence along said north line South 84°50'10" West 196.30 feet; thence North 03°34'30" West 312.99 feet; thence South 84°50'10" West 75.00 feet; thence North 03°34'30" West 485.00 feet; thence North 84°41'02" East 582.21 feet; thence South 03°34'30" East 443.86 feet; thence South 84°32'54" West 10.00 feet; thence South 03°34'30" 179.03 feet; thence South 84°33'00" West 191.94 feet; thence South 05°51'17" East 162.51 feet to a point of curve; thence Southeast 13.53 feet along the arc of a curve concave to the East whose radius is 20.00 feet and whose chord bears South 05°50'49" East 13.28 feet to the north right of way line of said West Main Street; thence along said north line South 84°33'00" West 120.34 feet to the point of beginning.

Containing 404,624 square feet or 9.2888 acres



VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission
 From: Mark Roffers, AICP and Megan MacGlashan, AICP, City Planning Consultants
 Date: May 5, 2010
 Re: Concept Plan, Proposed 29,000± square foot addition to the existing Walmart building at 1362 W. Main Street to create a Walmart Supercenter with both department store and grocery/food store components

Summary of Request

At this time, the applicant is presenting a concept plan for Plan Commission comment. The project would involve a substantial expansion (+/- 29,000 square feet) to the existing Walmart building, located at 1362 W. Main Street. The expanded Walmart Supercenter would include a department store, grocery store, and small food tenant area. The applicant is proposing to completely reface the front façade of the building and make various other improvements to the site, including new landscaping and a new loading dock at the rear of the building. The property is zoned B-1 General Business, in which commercial buildings over 20,000 square feet require a conditional use permit.

We had an opportunity to meet with the applicant and other City staff on March 18th to discuss their preliminary plans. City staff met with the applicant again on April 21st to review and discuss the plans that are in front of you this evening. Since the applicant has not revised their plans since that meeting, the comments in this report are similar to what has already been expressed to the applicant via communications on April 21st. The applicant has also shared these concept plans with the public at a neighborhood open house that took place after their meeting with staff on the 21st. Roughly 65 people attended. Many attendees appeared to support the project. The main concerns voiced at the meeting related to building appearance, bicycle and pedestrian access, and traffic impacts.

Analysis

We are supportive of the idea to expand the existing Walmart building on-site. In short, the proposed addition and potential site improvements would:

- Make good use of existing infrastructure, as opposed to the alternative of a brand new site at the edge of town).
- Address a stated community need for additional grocery shopping opportunities,
- Add property tax value.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
 611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •
 414.732.2035 Fax
www.vandewalle.com

Shaping places. shaping change

- Provide an opportunity to improve the appearance of the building and site
- Provide an opportunity to improve traffic flow and safety both within the site and along West Main Street.
- Provide an opportunity to better address stormwater management in this area, helping the City to meet its requirements.
- Increase business activity and result in healthy competition along West Main Street, potentially spurring additional business and property investments in the area.
- Not provide significant additional competition to existing Whitewater businesses (except grocery stores) or the downtown.
- Have the potential to be a model of sustainable infill and redevelopment.

Still, we feel much work still needs to be done to enable full support of this project, based on the concept plans that are now before the Commission. We have a number of issues related to the appearance, quality, and function of this project as it is currently presented, based on adopted City plans and zoning ordinance requirements. We feel these issues will need to be addressed before the City considers approval of this project. These issues—as well as further positive aspects of the proposal—are described further through the numbered analysis points below.

- 1) **Land Use and Planning Context:** This property is currently surrounded to the east and west by other commercial land uses, some of which are aging and in need of revitalization/investment. Property to the north is currently vacant (and mostly wetland), and properties to the south (across Main Street) are occupied by a mixture of commercial and institutional uses (an assisted living facility and church). The City's Comprehensive Plan shows the subject property in the "Community Business" future land use category, which is intended to accommodate commercial and office land uses that will serve local and some regional shopping and service needs. Lands surrounding the subject property are planned by the City for a mixture of commercial and higher density residential uses. The proposed expansion would be compatible with the future land use designation of the subject property and surrounding lands, provided that issues raised below are properly addressed. Additional Comprehensive Plan design standards specified under the "Community Business" future land use category are addressed below.
- 2) **Overview of Applicable Building and Site Design Standards:** Both the City's Comprehensive Plan and Zoning Ordinance provide standards against which commercial projects in the City are evaluated. We have used the following adopted City standards to review the conceptual plans that are before you tonight:
 - a) *Standards for Review and Approval of Conditional Use Permits, Section 19.66.050:* Requests for conditional use permits in Whitewater must be evaluated based on the following five criteria:
 - i) That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.
 - ii) That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.
 - iii) That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance. Where a variance is required, the plan commission may condition their approval on the subsequent approval of the variance.
 - iv) That the conditional use conforms to the purpose and intent of the city master (comprehensive) plan.

- v) The conditional use and structures are consistent with sound planning and zoning principles.
- b) *B-1 Zoning District Standards, Section 19.27.090*: This section of the zoning ordinance specifies that "... Building design shall be consistent with the recommendations of the city's comprehensive (master) plan; contribute to the uniqueness and character of the neighborhood, district and community; and include materials, colors, styles and features tailored to the building's site and context. Substantial modifications to standardized prototype and corporate franchise designs may be required to meet these criteria. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in accordance with a plan prepared by a registered landscape architect or designer."
- c) *Comprehensive Plan Design Standards*: The City's recently adopted Comprehensive Plan—referenced in each of the preceding applicable sections of the City's zoning ordinance--includes specific design standards for commercial projects in Whitewater. Listed below are the standards that apply to this project. It is particularly important to apply these newly adopted standards to the "first project out of the gate" following adoption of the new Comprehensive Plan.
- i) Installing high quality landscaping treatment of bufferyards, street frontages, paved areas and building foundations.
 - ii) Orienting intensive activity areas such as building entrances, service and loading areas, parking lots, and trash receptacle storage areas away from less intensive land uses.
 - iii) Using heavily landscaped parking lots with perimeter landscaping and/or landscaped islands to buffer views from streets and residential uses.
 - iv) Locating loading docks, dumpsters, mechanical equipment, and outdoor storage areas behind buildings and away from less intensive land uses.
 - v) Screening loading docks, dumpsters, mechanical equipment, and outdoor storage areas through use of landscaping, walls, and architectural features.
 - vi) Providing safe, convenient, and separated pedestrian and bicycle access to the site, from the parking areas to the buildings, and to adjacent commercial developments.
 - vii) Keeping illumination from lighting on site through use of cut-off luminaries.
 - viii) Emphasizing high quality building materials, such as brick, wood, stone, and tinted masonry and de-emphasize corporate franchise architecture.
 - ix) Using low reflectant, solid earthtone, and neutral building colors.
 - x) Including canopies, awnings, trellises, bays, windows and other architectural details to add visual interest to facades.
 - xi) Providing variations in building height and roof line, including parapets, multi-planed, and pitched roofs and staggered building facades (variations in wall depth and/or direction).
 - xii) Using materials on all building facades that are of similar quality to those on the front facade of the building, except where non-front façades have low public visibility or are aggressively screened.
 - xiii) Providing central features that add to community character, such as patios and benches.
 - xiv) Carefully consider pedestrian and bicycle accessibility, including the installation of bike racks, the provision of pedestrian amenities such as sidewalk connections, reoriented parking lots, and covered entryways, and the potential for rear entryways where the development backs up to a neighborhood.
 - xv) Continue efforts to enhance the visual image of important roadway corridors in the community. Emphasize the commercial redevelopment and revitalization of certain

developed but aging properties along West Main Street, East Milwaukee Street, Highway 59, and Elkhorn Road.

- d) *Landscaping Guidelines*. We believe the Plan Commission is familiar with the City's landscaping guidelines so we will not enumerate them here. These guidelines have been specifically referenced in the City's Comprehensive Plan and are used to evaluate all landscaping plans submitted to the City. The B-1 zoning district standards also require these guidelines to be followed in that zoning district.
- 3) **Effect of Pending Large Retail Use Ordinance**: Over the last several months, the City has been considering the adoption of a "big box" ordinance to establish and codify a specific list of standards for retail and commercial service buildings with over 20,000 square feet of floor area, which under the current zoning ordinance already require a conditional use permit. City Attorney McDonnell has been working on drafting the ordinance based on models in place in numerous Wisconsin communities already. Such an ordinance would provide an additional level of specificity to the standards listed above, which can be somewhat subjective. Such an ordinance would provide the City and potential applicants with clear standards not only for this project, but for many projects in the future. This past Tuesday, the Common Council forwarded the proposed large retail use ordinance on to the Plan and Architectural Review Commission for public hearing and potential recommendation at the June meeting. That said, should such an ordinance not be adopted before approval of the Walmart project, the City still has the ability to require high standards for this project based on its existing ordinances and Comprehensive Plan, and the linkages between the two, as indicated above.
- 4) **Building Elevations**: At our March 18th meeting with the applicant, we shared the City's building design standards with the applicant and were encouraged by their expressed willingness and desire to significantly improve the appearance of this building and site. Walmart representatives indicated that a recent similar expansion project in Bellevue, Wisconsin (near Green Bay) could serve as a model. The Bellevue building elevations are included in the Commission's packet. That building incorporates many of the design features we discuss below. In recent years, Walmart has also completed or begun construction/expansion projects in many Wisconsin communities such as Lake Geneva, Jefferson, Baraboo, and other comparable communities. A quick analysis revealed that many of these projects involved building designs that are more interesting and attractive than what is currently being proposed for Whitewater. More detailed comments and ideas are as follows:
- a) We are unfortunately disappointed by the conceptual building elevation plans/renderings that have been submitted. In our opinion, they do not adequately reflect our previous discussions with company representatives, the recent example of a similar project in Bellevue, or the requirements under the City's zoning ordinance and comprehensive plan. Additional detail and ideas follow:
- b) In general, it is our opinion that the proposed update to the front elevation is uninviting, stark, and lacking in architectural details to break down the "big box" appearance. Except for the relocated main entryway to the building, the remainder of the façade is essentially an uninterrupted wall. More specifically, the proposed front façade lacks architectural protrusions and recesses, variations in wall heights and roof lines, and a sufficient number of openings (windows). These types of features significantly break up the mass in nearly all of the other recent Walmart projects that are familiar to us. The only proposed variation is in the color of the split face block, which in our opinion does not effectively "enliven" the appearance of the building on its own, and over time may wear if this is in fact a painted on finish. In short, we would like to see more effort placed on adding architectural detail and articulation to the building, which may include the incorporation of columns, parapets, overhangs, cornices, etc. Relatedly, it is unclear whether or not the proposed entrance

canopy is actually intended to provide shelter or if it is just decorative. It should be more clearly indicated on the plans that the canopy will provide protection from the elements. The features of the front façade should be extended partially around the sides of the building, but we would certainly advise focusing architectural detail on the front façade, which is by far the most visible.

- c) As suggested above, another way to improve the appearance of the building, create a less imposing structure, and add daylighting on the south façade is to add more windows. It is unclear whether or not the windows that are currently shown to the right of the building entrance are intended to be real or false windows. We are also curious about why no windows have been proposed for the area to the left of the entrance, where the food tenant will be located. This seems like a very appropriate location for windows (all restaurants have them). Transom windows would be appropriate as well in other portions of the front façade, adding architectural interest and additional daylighting to the interior of the building in areas above where one would expect that merchandise would be stacked inside the building. The front façade has southern exposure making the installation of windows a significant means of utilizing passive solar energy (also see the sustainability section below).
 - d) It is our advice that smaller-dimension brick be incorporated as a primary material on the front façade. This type of treatment helps create a more human scale, allows more architectural detailing, signals quality, and is a timeless material that wears well. A façade dominated by split-faced block is, in our opinion, a poor substitute which is not reflective of Walmart's recent efforts in other Wisconsin communities.
 - e) Another potential way to make the front of the building more interesting and people-friendly is to incorporate a seating area and/or a picnic area to complement the food tenant area. While we recognize that people may not come to Walmart for a "dining experience," the presence of a food tenant space suggests there will be people who sit down to have a snack or meal, including store employees. Therefore, we encourage the applicant to be creative in designing some sort of central area/feature along the front façade of the building that is functional and attractive. One idea might be to establish a raised planter bed that has a bench integrated into the side of the building. This would allow for additional landscaping as well as a place for people to sit. Landscaping is further discussed later in this report.
 - f) The exterior fencing around the proposed garden center should be decorative (no chain link). This should be clearly specified on all plans and through detail pages. All fence posts, including those associated with the storage racks on the west side of the building should be decorative and more substantial than shown (i.e., faced with brick or block).
- 5) **Landscaping:** The proposed project would result in increases in the amount of pervious surface on the lot. One fairly straightforward way the applicant could significantly improve the appearance of this lot is through the addition of landscaping and green space. However, again, we feel that the concept plan falls short of the City's standards. Additional detail and ideas follow:
- a) One significant issue relates to the amount of landscaped surface area that would remain on the lot after the project is completed. Within the B-1 zoning district, the City requires a minimum of 30 percent of the lot to be landscaped surface area. The City's ordinance further states that the Plan Commission may reduce this 30 percent requirement by up to 10 percent (for a absolute min. 20 percent landscaped surface area) if the project provides plantings in highly visible locations and includes ten canopy trees, twenty understory and/or evergreen trees, and 64 shrubs per acre or fraction thereof (Section 19.27.070). However, the applicant is actually proposing to reduce the amount of landscaped surface area to 13 percent, which does not meet the City's zoning ordinance requirement in either case. The bottom line is that even if the applicant provides additional landscape plantings (trees,

shrubs), they will still have to find a way to modify the proposed project so a minimum of 20 percent landscaped area is retained on the lot.

- b) In the proposed concept plan, the applicant is not indicating any new landscaping along the Main Street frontage between the parking lot and street right-of-way. In addition to protecting the “trophy” oak tree in this area, the plans should incorporate additional landscaping in this area to meet the above standards reprinted from Section 19.27.070.
 - c) There are no foundation plantings being proposed along the front of the building except maybe for one tree, which is only being shown in the renderings but not on the landscaping plan. Foundation plantings or even a rain garden along the front façade will help meet landscaping guidelines and further break up the mass of the front building façade. Urban tree grates (with deciduous trees in them) in the front sidewalk should also be included to have that same effect.
 - d) The existing landscaping islands in the parking lot are proposed to be nicely landscaped; however, the City’s landscaping guidelines specify that an island in parking lots at a rate/spacing of one island for every 20 parking spaces. This would require additional landscaping islands in the western four rows of parking stalls. Such islands could be lined up with the southernmost islands in the eastern three rows of parking to continue to allow for efficient snow plowing. They should be planted in a similar manner as is proposed for the current islands.
 - e) The applicant should widen the narrow landscaped area to the west of the building/loading area, along the western lot line. This would assist the project in meeting the minimum 20% landscaping requirement. It would also provide space to provide additional landscaping in this strip. The lands to the west (behind Hawk Bowl) have been filled over time, and would seem to be appropriate for another larger retail use in the future. Providing landscaping between those two sites now anticipates this future use.
 - f) The applicant should also indicate a concentration of evergreen landscaping along the rear lot line behind the loading dock area to provide a vegetative screen for future development that is constructed north of this lot.
- 6) **Sustainability Opportunities:** In recent years, Walmart has publicly committed itself to being more mindful of its impact on the environment and has broadcast its efforts to advance more sustainable and energy-efficient building and site design practices and contribute to and improve the communities within which its stores are located. The City’s Comprehensive Plan also has a very strong sustainability component; the City hopes its sustainability vision can be realized through both public and private actions. We are very pleased by Walmart’s efforts to build onto an already existing store that is within walking distance for many students and residents, makes use of existing infrastructure, and does not rely on greenfield development on the outskirts of the City. That alternative could leave a vacant site and building along Main Street that could remain empty for years. These efforts are, in and of themselves, significant steps in the direction of sustainability and community betterment. Beyond this, we feel that the proposed conceptual plans show little other evidence of how Walmart intends to contribute to its own and the City’s sustainability initiatives through progressive building and site design practices. At the Plan Commission meeting, we will be interested in gaining a better understanding of the applicant’s intentions in this arena. Additional detail and ideas follow:
- a) One of the ways that Walmart is striving to advance energy efficiency in other projects is through lighting, specifically the use of day lighting (skylights and windows). The buildings internal lights are then programmed to automatically dim or brighten depending on the amount of available sunlight entering the store. Although we recognize the challenges and costs associated with retrofitting an existing building, versus constructing a new building

from scratch, we feel that enough changes are being made to this building to incorporate at least some additional daylighting opportunities, including consideration of skylights and/or additional windows along the upper parts of the walls (as described above).

- b) The proposal also includes the replacement of the parking lot lights. We also encourage Walmart to explore the use of very high efficiency LED lighting for this purpose.
- c) Walmart has also highlighted its strategies in other projects for using waste heat from refrigeration units to heat its buildings and is taking measures to reduce the use of resource and source products and materials responsibly. We would like to learn more about how or if any of these strategies are being integrated into the design of the proposed building expansion and modifications.
- d) One idea that we would like to put on the table for discussion is the installation of a green (vegetated) roof. Such a feature would contribute to the energy efficiency of the building, serve as a model for other developments in and around Whitewater, help mitigate stormwater runoff (a key City objective, see below), and help address the applicant's landscape surface area deficiency described above (we would propose count any green roof segments as landscaped area). In addition, the applicant may consider installing a demonstration rain garden in front of the building, potentially including educational signage about what a rain garden is and how it works. This could also contribute to aesthetic improvement along the front façade as described above.

7) **Transportation Access:**

- a) The applicant should continue to work with City staff to prepare a traffic impact analysis associated with this project. City staff has communicated an interest to Walmart for a traffic signal at one of the entrances to this site, most likely the western entrance which has heavier use on the south side of Main Street. The completed study should be submitted with the conditional use permit application. Plans for improvements associated with the approved results of that study should be indicated on the site plan and application materials as well.
- b) The applicant should confirm the primary floor area square footage (sales, offices, service area) for the purposes of parking calculations. At this point we do not have concerns about parking, and it appears all requirements would be met.
- c) The applicant should consider widening the drive aisle that leads from the eastern entry drive north/south through the parking lot and adding directional signage or pavement markings to indicate to drivers that it is a primary driveway through the parking lot, as opposed to just another parking lane. This will help organize traffic flow through the site.
- d) Any areas of the parking lot that are not currently curbed should be shown as curbed, per the City's curbing policy.
- e) Another significant issue relates to the pedestrian accessibility of this site. The site's location near the University and student housing, elderly housing across the street, and nearby neighborhoods provides significant opportunities for people to walk to and from the store. It is appropriate and important to the safety and welfare of residents for the project to include installation of a continuous pedestrian walkway from Main Street to the building entrance. We feel the most appropriate location for this connection may be along the eastern lot line. The applicant could widen the landscape strip proposed for this area enough to accommodate a sidewalk as well.
- f) With the large number of students nearby and to contribute again to sustainability goals, we also urge the provision of a modest bike rack outside the entrance.

8) **Stormwater and Natural Resources:**

- a) The proper management of stormwater on this site is an important issue, since the proposed project would increase the amount of impervious surface on the site and the City has stringent state-imposed stormwater management standards to meet. The City will require compliance with the City's stormwater ordinance as part of this proposal. This will require some on-site detention and water quality treatment facilities. We understand it is the applicant's intent to install underground storm water detention facilities on the northwest side of the lot. As part of their formal submittal, the applicant should submit detailed storm water management plans and calculations. The applicant should also consider ways to naturally filter storm water on its way to the underground tank, such as though a rain garden, green roof, and/or bioswale.
- b) Based on the submitted natural resources inventory, it appears the applicant is proposing to fill some wetland area in the northwestern corner of the site. If correct, this will require permit approvals from the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers. The requirement for such approvals could have a significant impact on the timing and layout of this project. We suggest that before submitting a formal conditional use permit application with the City, the applicant secure necessary state and/or federal permits for the alternation of the wetland.

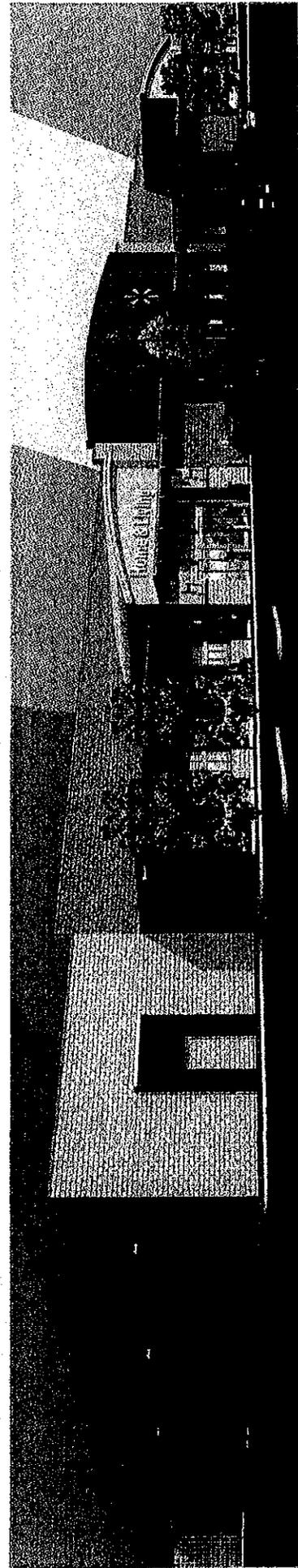
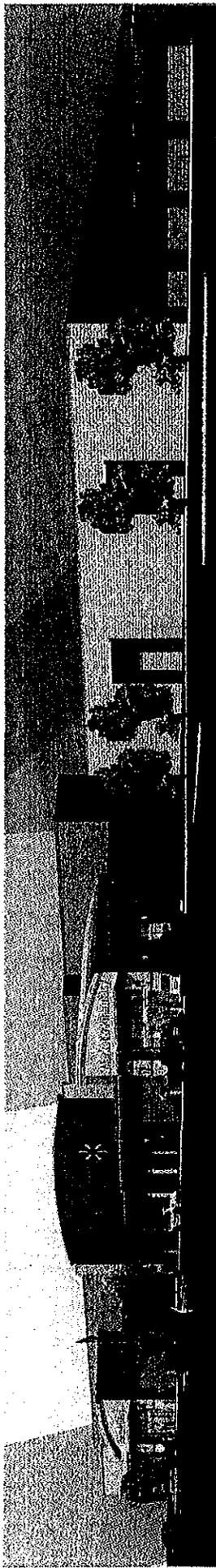
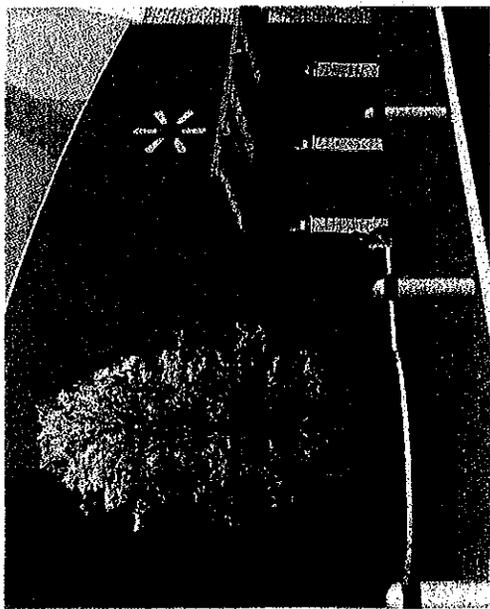
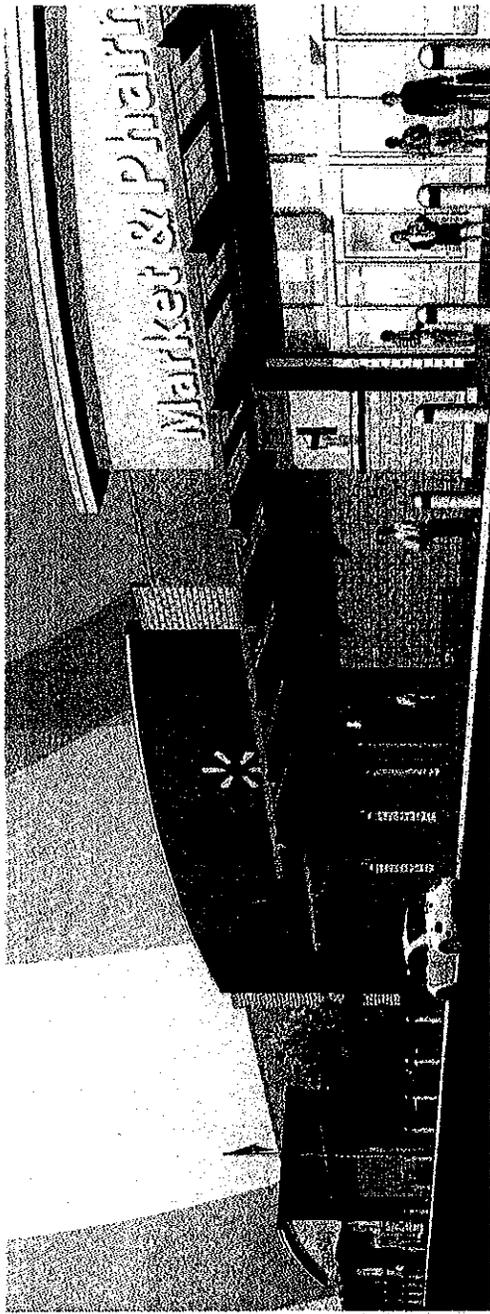
9) **Signage, Lighting, and Miscellaneous:**

- a) The proposed building sign is 298 square feet. Within the B-1 district the maximum size allowed for wall signs is 50 square feet. Therefore, the applicant will have to apply for a variance in order to have a sign this large. In this situation, we would support the issuance of a variance. A 50 square foot sign would seem very small on such a large building face. As part of the applicant's formal conditional use permit application, they should also be clear about indicating any additional signage proposed for the building (many Walmart stores have other smaller signs on the front indicating different sections of the store, such as "market," pharmacy" etc.). As we understand it now, there will be nothing other than the one wall sign and one freestanding sign.
- b) The applicant should submit details for the freestanding sign. If they are just proposing to reface the existing pylon sign, they can keep the existing sign structure. However, if they propose more significant changes such as switching from an externally lit sign to an internally illuminated sign, the new/replacement sign should be brought into full compliance with City requirements (no taller than 20 feet).
- c) The applicant should clearly indicate what lighting fixtures in the parking lot are being replaced and submit catalog pages for all new or replaced fixtures. All fixtures should be full cut-off or shielded per City lighting requirements. In addition, City ordinance specifies that lighting shall not exceed 2.0 footcandles at any property lines. This level is currently proposed to be exceeded along the south and west property lines, which will need to be adjusted. The zoning ordinance further specifies that lighting shall not exceed an average of 2.5 footcandles throughout the site. The average is currently listed by the applicant is 3.4. No lighting fixtures can be located less than 3 feet from a property line.
- d) Along the front sidewalk area (immediately in front of the building) the applicant should consider pedestrian-oriented lighting as both a safety and aesthetic element.
- e) The applicant should submit details on the appearance of the cart corrals with the conditional use permit application. These could be rearranged so they are adjacent to the landscape islands. Light poles could also be installed in these same general areas. Grouping these features together would reduce the number of obstacles for snow plowing.

- f) The applicant should provide details on the proposed retaining wall at the rear of the site(size, appearance).
- g) With the site plan included with the conditional use permit application, the applicant should indicate the locations of any proposed permanent or seasonal outdoor display areas, either along the front of the building or in the parking lot. The applicant should also verify that such display areas will not, at any time, reduce the amount of available parking to below what is required by City ordinance.
- h) Detailed plans should indicate the location of and screening method for the dumpsters.

Recommendation

No Plan and Architectural Review Commission action is required since the applicant has not yet submitted a formal application for a conditional use permit. However, the applicant is seeking further guidance from the Plan Commission regarding this conceptual proposal. Comments and discussion by the Plan Commission are encouraged. We do recommend the Plan Commission suggest that the applicant to revise plans to address the issues we have raised in our analysis above, in addition to other Commission comments.



Walmart 

September 10, 2008

4400 Green Bay Boulevard, WI

Proprietor

Walmart 

Whitewater, WI #1274

B|R|R
architecture

Issued

April 14, 2010



Walmart *

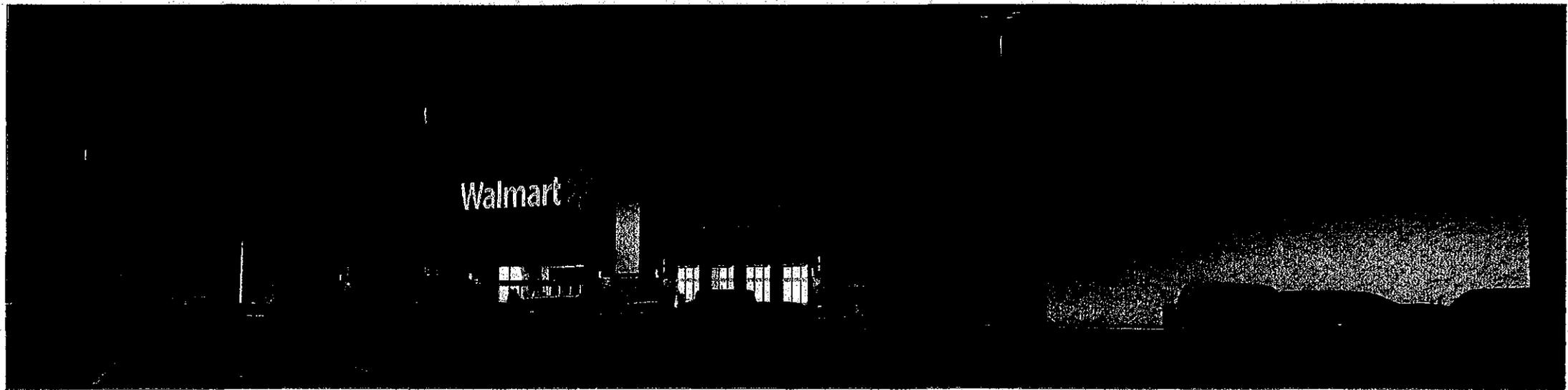
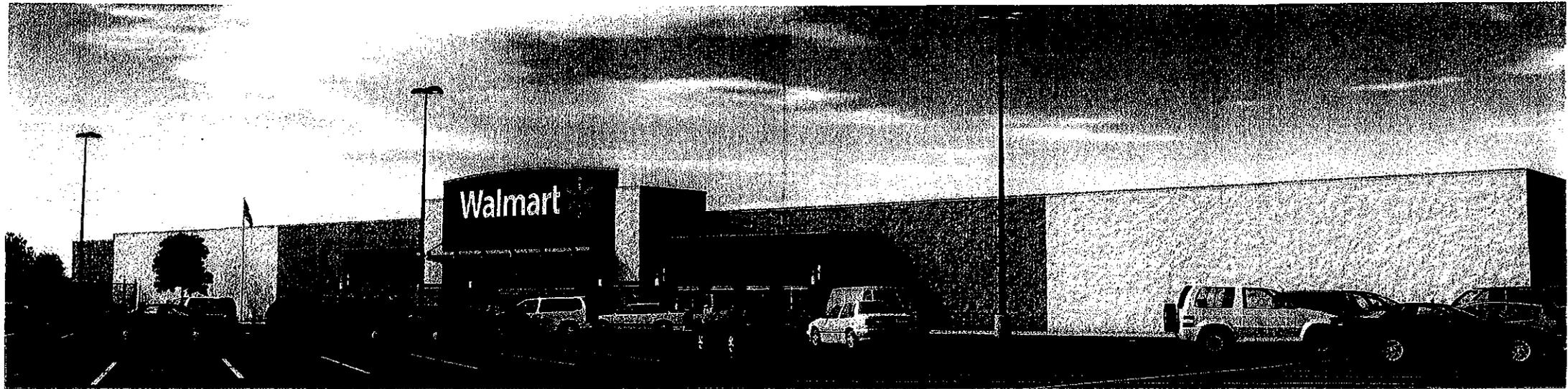
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architecture

April 14, 2010

Whitewater, WI #1274

Entrance

2



Walmart *

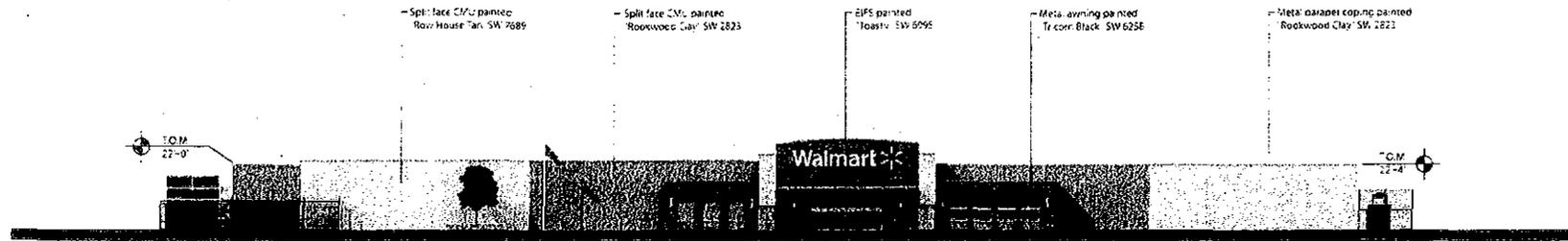
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ARCHITECTURE

April 14, 2010

Whitewater, WI #1274

Overall Perspective

3



Front Elevation

Split face CMU painted
"Cobble Brown" SW 6082

Integral color split face CMU
"Saddle Tan" by Trexwyth

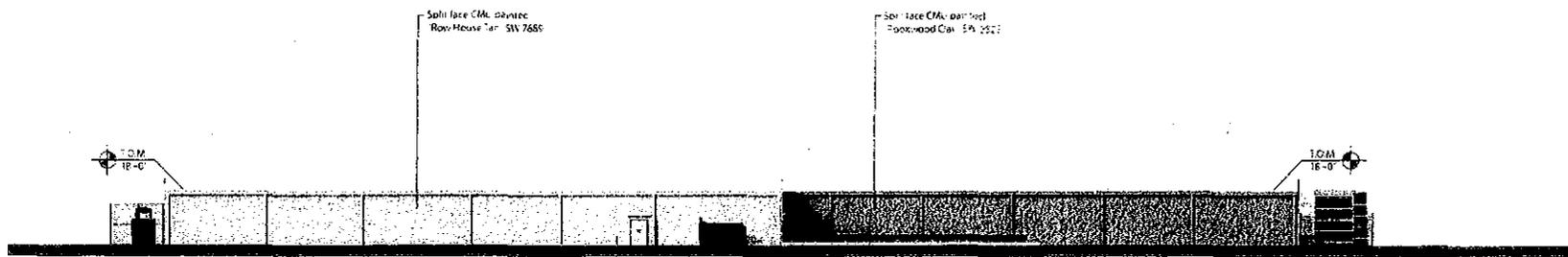
Split face CMU painted
"Row House Tan" SW 7689

Split face CMU painted
"Rookwood Clay" SW 2823

EIFS painted
"Toasty" SW 5995

Metal awning painted
"Tr. corr. Black" SW 6236

Metal awnings coping painted
"Rookwood Clay" SW 2823



Rear Elevation

Metal coping painted
"Row House Tan" SW 7689

Split face CMU painted
"Row House Tan" SW 7689

Split face CMU painted
"Rookwood Clay" SW 2823

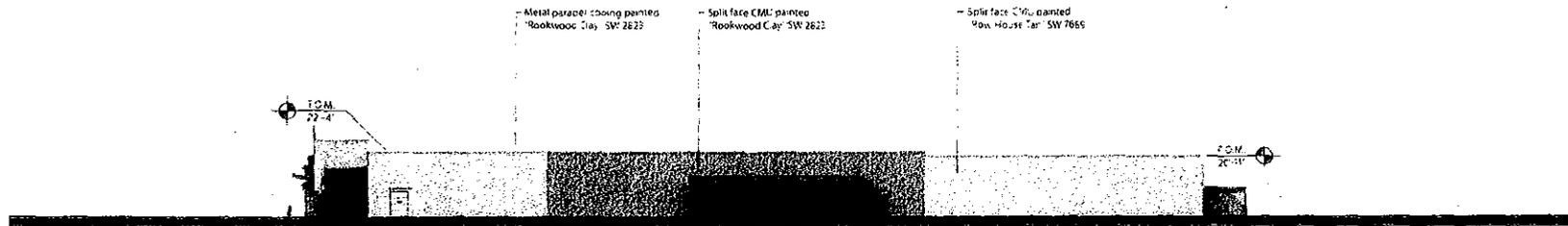


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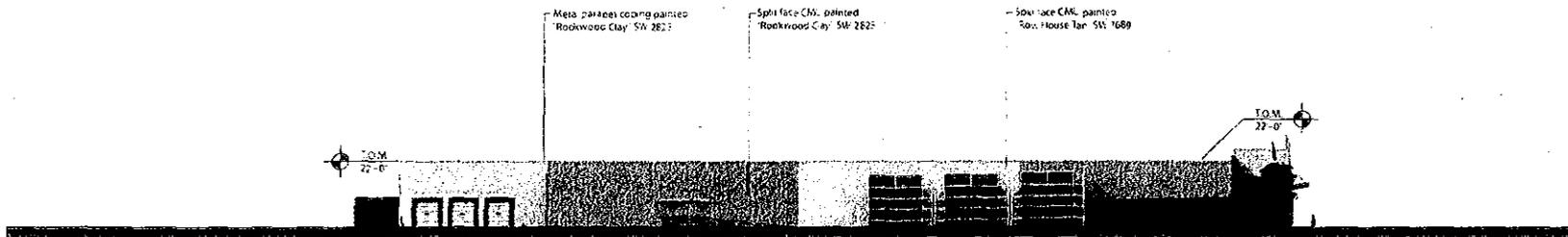
April 14, 2010

Whitewater, WI #1274

Elevations



Right Elevation



Left Elevation

44



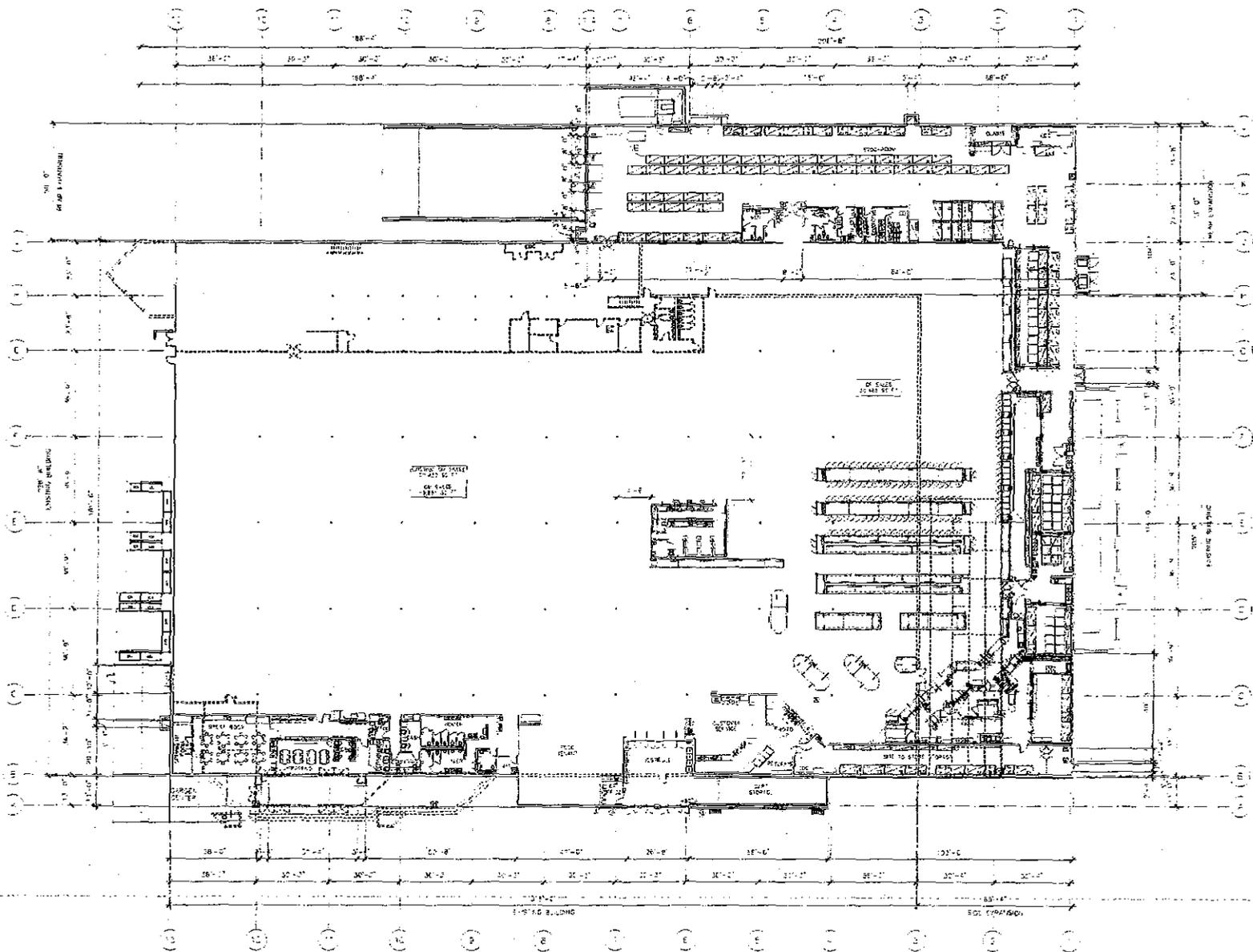
BIRIR
architecture

April 14, 2010

Whitewater, WI #1274

Elevations

5



57





Front Elevation

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	1	Identity	White/Yellow	5'-6 7/8'-0"	Internal	298.00	298.00
Total Building Signage							298.00

Walmart 

BIRER
ARCHITECTURE

April 14, 2010

Whitewater, WI #1274

Signage Calculations

7

46

STATE OF WISCONSIN

CITY OF WHITEWATER

WALWORTH & JEFFERSON
COUNTIES

Notices to Property Owners within 300 ft
In the matter of:

Plan Commission Conceptual Review of proposed addition to the Wal-mart store located at 1362 W Main St. to create a Wal-mart Supercenter with department store and grocery/food store.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS
COUNTY OF JEFFERSON)

Jane E. Wegner, being first duly sworn on oath, deposes and says that on the 26th day of April, 2010, (s)he deposited in the outgoing mail for the City of Whitewater, Walworth & Jefferson Counties, Wisconsin, a true copy of the attached notice, securely enclosed in an envelope, with postage prepaid thereon, to the following named, at the address stated:

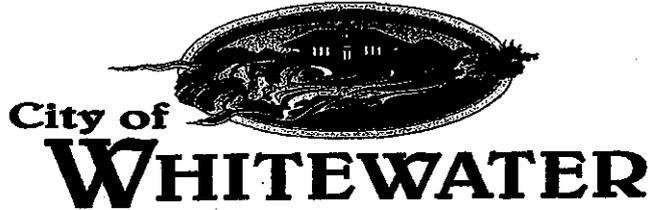
SEE LIST ATTACHED

Jane E. Wegner

Jane E. Wegner
Plan Commission Clerk

Subscribed and sworn to before
me this 26 day of
April, 2010.

Michele Smith
NOTARY PUBLIC, State of Wisconsin
My commission expires: 6-13-10



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. for a conceptual review of the proposed addition to the Wal-Mart store located at 1362 W. Main Street to create a Wal-Mart Supercenter with department store and grocery/food store.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

A handwritten signature in black ink, appearing to read "Bruce Parker", is written over a horizontal line.

Bruce Parker, Zoning Administrator

A-1709-1
ALLEF PARTNERS LLC
C/O WALMART PROPERTY TAX DEPT
P O BOX 8050
LITTONVILLE AR 72712-8050

A-2522-3
ST PATRICKS CONGREGATION
1225 W MAIN ST
WHITEWATER WI 53190

W-1
WHITEWATER TEKE ASSOCIATION
C/O JON PYZYK
7730 FORSYTH SUITE 300
CLAYTON MO 63105

W-8
ALAN J REIN
MARDEL L REIN
W6892 KETTLE MORAINE DR
WHITEWATER WI 53190

W-20
CITY OF WHITEWATER

WUP-159
DLK FARM SERVICE INC
1398 W MAIN ST
WHITEWATER WI 53190

WUP-355,356
DLK ENTERPRISES INC
P O BOX 239
WHITEWATER WI 53190

A-1709-2
RUIZ HOLDINGS LLC
5849 GLENMOOR LANE
JANESVILLE WI 53545

A-2766-1
AKSHAR HOSPITALITY LLC
203 LILLIAN PL
BARTLETT IL 60103

W-2
MARK S NEUMANN
PAUL R JORGENSEN
P O BOX 671
OCONOMOWOC WI 53066

W-12
JOHN L CRUMMEY
MARGO A CRUMMEY
W7928 TIMBER TRAIL
WHITEWATER WI 53190

WM-1
DANIELS INVESTMENTS, LLC
P O BOX 810
WALWORTH WI 53184

WUP-160G
SILVER CREEK APARTMENTS
P O BOX 629
WHITEWATER WI 53190

A-2522-1
ST PATRICKS CONGREGATION
MULBERRY GROVE LLC
20711 WATERTOWN ROAD SUITE A
WAUKESHA WI 53186-1881

A-2766-2
FRAWLEY ENTERPRISES
WHITEWATER
P O BOX 630
WHITEWATER WI 53190

W-4
WILDON H CULVER
BRENDA J SCHUMACHER
1240 W SALISBURY LANE
WHITEWATER WI 53190

W-16
CITY OF WHITEWATER

WM-2
COMMERCIAL BANK
P O BOX 239
WHITEWATER WI 53190

WUP-219
ST PATRICKS CONGREGATION
126 S ELIZABETH ST
WHITEWATER WI 53190



6

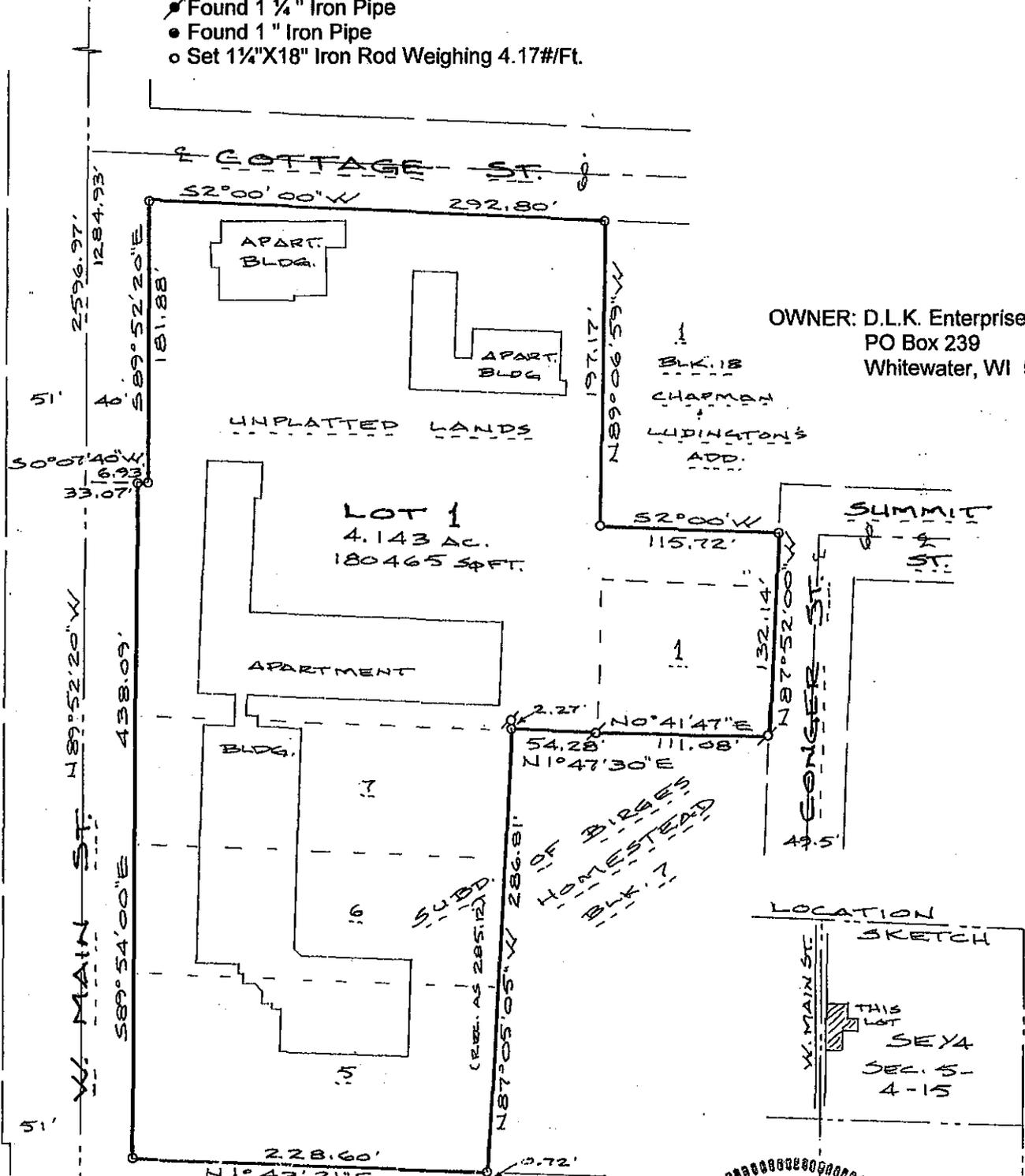
CERTIFIED SURVEY MAP

Lot 1 and part of Lots 5, 6 and 7, Block 7, SUBDIVISION OF BIRGE'S HOMESTEAD and other lands in the NW ¼ and NE ¼ of the SE ¼ of Section 5, T4N, R15E, City of Whitewater, Walworth County, WI

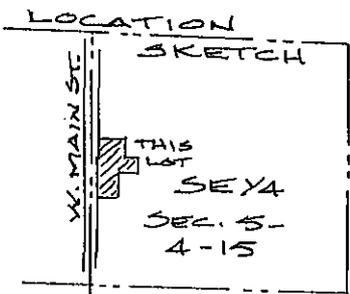
LEGEND

- Corner Location From Ties-Sanitary Manhole at corner
- Found 1 ½" Iron Pipe
- Found 1 ¼" Iron Pipe
- Found 1" Iron Pipe
- Set 1 ¼" X 18" Iron Rod Weighing 4.17#/Ft.

EY4 COR.
SE ¼ S-4-15



OWNER: D.L.K. Enterprises Inc.
PO Box 239
Whitewater, WI 53190



CERTIFIED SURVEY MAP

Lot 1 and part of Lots 5, 6 and 7, Block 7, SUBDIVISION OF BIRGE'S HOMESTEAD and other lands in the NW ¼ and NE ¼ of the SE ¼ of Section 5, T4N, R15E, City of Whitewater, Walworth County, WI

NOTES:

- Assumed North is referenced to the north line of the SE ¼ of Section 5-4-15, Bearing N89°52'20"W.
- This lot may be subject to any and all easements or agreements either recorded or unrecorded.

SURVEYOR'S CERTIFICATE

I, James B. Woodman, Professional Land Surveyor, hereby certify that in full compliance with Chapter 236.34, Wisconsin Statutes and the subdivision regulations of the City of Whitewater and by the direction of Dave Kachel, this land has been surveyed, divided and mapped under my responsible direction and supervision; that such survey correctly represents all exterior boundaries and the division of the land surveyed; and that this land is Lot 1 and part of Lots 5, 6 and 7, Block 7, SUBDIVISION OF BIRGE'S HOMESTEAD and other lands in the NW ¼ and NE ¼ of the SE ¼ of Section 5, T4N, R15E, City of Whitewater, Walworth County, Wisconsin to-wit:

Commencing at the E¼ corner of said Section 5; thence N89°52'20"W, along the north line of said SE ¼, 1284.93 feet; thence S0°07'40"W, 33.07 feet to the southerly line of W. Main Street and the point of beginning; thence continue S0°07'40"W, along said southerly line, 6.93 feet; thence S89°52'20"E, along said southerly line, 181.88 feet; thence S2°00'00"W, along the west line of Cottage Street, 292.80 feet to the NE corner of Lot 1, Block 18, CHAPMAN & LUDINGTON'S ADDITION; thence N89°06'59"W, along the north line of said Lot 1 and its extension, 197.17 feet; thence S2°00'00"W, 115.72 feet to the north line of Conger Street; thence N87°52'00"W, along said north line, 132.14 feet to the SW corner of Lot 1, Block 7, SUBDIVISION OF BIRGE'S HOMESTEAD; thence N0°41'47"E, along the west line of said Lot 1, Block 7, 111.08 feet; thence N1°47'30"E, along the east line of Lot 2, said Block 7 and said Lot 7, Block 7, 54.28 feet; thence N87°05'05"W, 286.81 feet to the east line of Whiton Street; thence N1°43'21"E, along said east line, 228.60 feet; thence S89°54'00"E, along said southerly line of W. Main Street, 438.09 feet to the point of beginning, containing 4.143 acres.

Date 3-2-10


James B. Woodman
Professional Land Surveyor, S-1239



CERTIFIED SURVEY MAP

CORPORATE OWNER'S CERTIFICATE

DLK Enterprises, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map. It also certifies that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Whitewater

IN WITNESS WHEREOF, DLK Enterprises, Inc., has caused these presents to be signed by David L. Kachel, President of the above named corporation at _____, Wisconsin this _____ day of _____, 201__.

David L. Kachel, President

STATE OF WISCONSIN)
WALWORTH COUNTY) SS

Personally came before me this _____ day of _____, 201__, the above named, David L. Kachel, President of the above named corporation, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My Commission Expires: _____

Notary Public, Walworth County, WI

CITY OF WHITEWATER APPROVAL

I certify that this Certified Survey Map, DLK Enterprises, Inc., owner, has been approved by the City of Whitewater.

Date _____

Michele Smith, City Clerk

Received for recording this _____ day of _____, 201__, at _____ o'clock
____.M. and recorded in Volume _____ of Certified Surveys of Walworth County at pages
_____.

Document No. _____

Walworth County Register of Deeds

Certified Survey Map No. _____



#6

Jane Wegner

From: Megan MacGlashan [mmacglashan@vandewalle.com]
Sent: Wednesday, May 05, 2010 4:00 PM
To: Bruce Parker; Jane Wegner; Michele Smith; Nancy Stanford
Cc: Kevin Brunner; Wally McDonell; Dean Fischer; Fisher, Mark
Subject: Regent Apts. CSM comments

Good afternoon,

Please include the following email in the Plan Commission packets related to the Regent Apartments CSM.

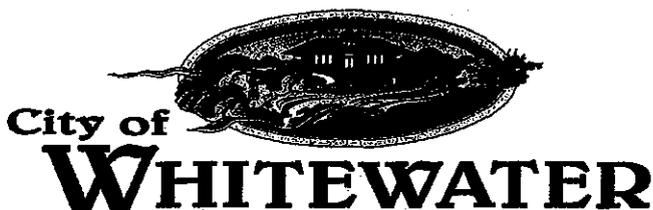
The applicant, DLK Enterprises Inc., has submitted for Plan Commission approval a certified survey map combining parcels into one lot for the Regent Apartment complex at 761 Main Street. The preparation of the certified survey map was required as a condition of approval for both the General Development 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.

We recommend Plan Commission approval of the certified survey map dated 3/2/10 for Regent Apartments.

Megan MacGlashan, AICP
Associate Planner
Growth Management Team
VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

2000 University Avenue
Suite 200
Ann Arbor, MI 48106
(734) 769-1000
www.vandewalle.com



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312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
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TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. to review the proposed addition to the greenhouse located at 301 County Highway U for Whitewater Greenhouses LLC.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Bruce Parker, Zoning Administrator

05-15-33-21-000
LSP-WHITEWATER LP
402 E MAIN ST
BOZEMAN MT 59715

05-15-33-22-002
GERALD R THAYER
BARBARA TURNER
9321 OAKWOOD DRIVE
WHITEWATER WI 53190

05-15-33-24-000
LSP-WHITEWATER LP

05-15-28-33-003
RUSSELL R WALTON
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

05-15-28-33-006
RUSSELL R WALTON

05-15-33-22-000
WHITEWATER GREENHOUSE
LLC
2125 72ND ST
BYRON MI 49315

05-15-33-23-000
LSP-WHITEWATER LP
111 COUNTY HWY U
WHITEWATER WI 53190

05-15-28-33-001
KENNETH R HAVLOVICK
SUE E HAVLOVICK
N516 FREMONT ROAD
WHITEWATER WI 53190

05-15-28-33-004
RUSSELL R WALTON
KIMBERLY A WALTON
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

05-15-28-34-000
RUSSELL R WALTON

05-15-33-22-001
GEORGE R WALTON TRUST
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

05-15-33-23-001
GERALD R THAYER
KATHLEEN M THAYER
9321 OAKWOOD DRIVE
WHITEWATER WI 53190

05-15-28-33-002
THOMAS J PARTOL
CAROLINE L FROELICH
W4058 COUNTY HWY U
WHITEWATER WI 53190

05-15-28-33-005
RUSSELL R WALTON

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 9:00 a.m. four weeks prior to the meeting. If not, the item will be placed on the next available Plan Commission meeting.

Review CITY OF WHITEWATER
CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 4-16-10.
2. *Agenda*
~~Class 1 Notice~~ published in Official Newspaper on 5-6-10.
3. Notices ~~of the Public Hearing~~ mailed to property owners on 4-26-10.
4. Plan Commission holds the PUBLIC HEARING on 5-10-10. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.66 of the City of Whitewater Municipal Code of Ordinances, entitled CONDITIONAL USES, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 301 County Hwy U, Whitewater, WI 53190

Zoning of Property AT - Agriculture Transition

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
SEE sheet 1
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
sheet 2
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
sheet 1
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
sheet 2
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
*Not shown
No change*
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
*N/A
greenhouse*
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
not shown
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.
No change

9.
N/A

Floor plan which shows:

- A. The size and locations of:
 - 1) Rooms;
 - 2) Doors;
 - 3) Windows;
 - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
 - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, headroom and handrail heights); stair width,
 - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
 - 7) Chimney(s) - include also the type of construction (masonry or factory built);
 - 8) Heating equipment;
 - 9) Cooling equipment (central air conditioning, if provided);
 - 10) Attic and crawl space access; and
 - 11) Fire separation between dwelling and garage.
 - 12) Electrical service entrance/transformer location.

N/A

10. Elevation drawings which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim _____, Siding _____, Roofing _____.
- D. Electrical service entrance/transformer location.

11. Type of Project:

- A. Single family;
- B. Duplex;
- C. Multifamily # units _____;
Condominium # units _____;
Sorority # units _____;
Fraternity # units _____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls _____;
- G. Other; Agricultural

City of Whitewater
Application for ~~Conditional Use Permit~~ *Review*

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: <u>Whitewater Greenhouses LLC</u>	
Applicant's Address: <u>2125 - 72nd Street, S.W.</u>	
<u>Byron Center, MI 49315</u>	Phone # <u>(616) 878-3388</u>

Owner of Site, according to current property tax records (as of the date of the application): <u>Same as Applicant</u>
Street address of property: <u>301 County Hwy U, Whitewater, WI 53190</u>
Legal Description (Name of Subdivision, Block and Lot or other Legal Description): <u>see site plan for description</u>
Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)
Name of Individual: <u>Donald DeGroot, P.E.</u>
Name of Firm: <u>Exxel Engineering, Inc.</u>
Office Address: <u>5252 Clyde Park Avenue, S.W., Grand Rapids, MI 49509</u>
Phone: <u>(616) 531-3660</u>
Name of Contractor: <u>Not yet selected</u>
Has either the applicant or the owner had any variances issued to them, on any property? YES NO If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: <u>Greenhouse Growing Operation</u>	Current Land Use:
Accessory or Secondary Uses: <u>None</u>	
Proposed Use (Describe need for conditional use):	
<u>Same as current use</u>	
No. of occupants proposed to be accommodated: <u>20</u>	
No. of employees: <u>20 - no change to number of employees with new addition.</u>	
Zoning District in which property is located: <u>AT - Agriculture Transition</u>	
Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located:	

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	In reviewing the A.T. Zoning Standards, all standards have been met.
B. The proposed development will be consistent with the adopted city master plan;	Although the master plan has not been reviewed, based on conversations with City staff, the proposed site plan is consistent with the City's master plan.
C. The proposed development will be compatible with and preserve the important natural features of the site;	The area of expansion was pregraded as part of the initial construction back in 1995. No work within the drainage corridor is planned.
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	All activity for the addition will take place within the greenhouse; noise, odor, light and traffic will have little or no impact to the neighbors.

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p>Traffic circulation will operate the same way it has since 1995; no parking problems due to the addition is anticipated.</p>
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	<p>The proposed greenhouse addition will be similar to the existing greenhouses on site.</p>
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	<p>N/A</p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p>Agreed.</p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. Conditions can deal with the points listed below. Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, setbacks, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Conditional Uses" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

 4-15-10
Applicant's Signature Date

APPLICATION FEES:

Fee for Conditional Use Application: \$100

Date Application Fee Received by City 4-16-10 Receipt No. 6.008492
Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 4-26-10
Date set for public hearing before Plan & Architectural Review Board: 5-10-10

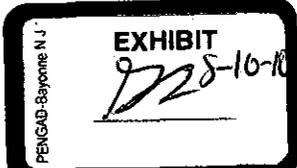
ACTION TAKEN:

Conditional Use Permit: Granted Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Finding the proposal for the ^{addition to} greenhouse appropriate and in compliance with the City of Whitewater Comprehensive Plan, the Plan Commission approved the addition to the green house located at 301 County Hwy U for Whitewater Greenhouses LLC.

5-10-10
Signature of Plan Commission Chairman Date



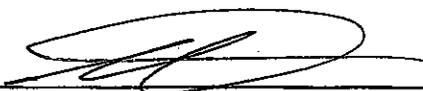
AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

Chris Mast, the applicant/petitioner for
(Owner's Name): Whitewater Greenhouse LLC, dated: 4/13/10,
Phone # (616) 878-3388, tax key #(s) _____,

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 13th day of April, ~~200~~²⁰¹⁰.

 (Signature of Applicant/Petitioner)

Chris Mast (Printed Name of Applicant/Petitioner)

 (Signature of Owner of Property & Date Signed)

Chris Mast (Printed Name of Owner of Property)

#7

Jane Wegner

From: Nancy Stanford
Sent: Friday, May 07, 2010 9:53 AM
To: Jane Wegner
Subject: FW: Whitewater Plan Commission meeting May 10, 2010
Attachments: 101030 sdp.pdf; 101030 GRD.pdf

This arrived Thursday afternoon. I don't know how many copies are needed. As the packet has already been sent out I figured it could wait until Monday.

Nancy

From: Don De Groot [mailto:ddegroot@exxelengineering.com]
Sent: Thursday, May 06, 2010 3:44 PM
To: Bruce Parker
Cc: Nancy Stanford; Shubak, Mark; mrofferf@vandewalle.com; cmast@masterpieceflower.com
Subject: RE: Whitewater Plan Commission meeting May 10, 2010

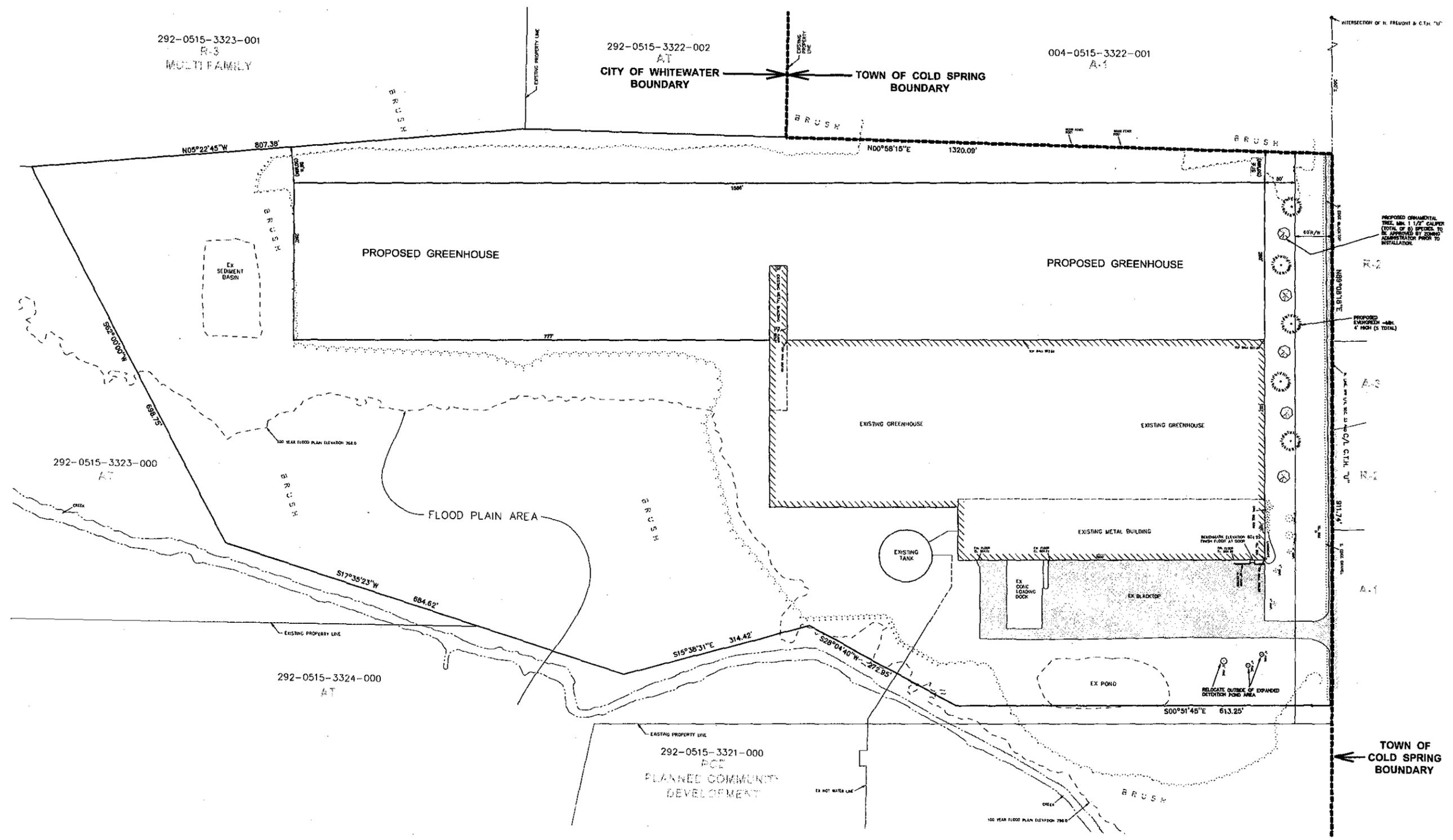
Bruce
Attached are plans revised per Mark Roffer's review. The plan now shows an additional 5 ornamental trees and a note requiring that the evergreens be 4 feet high when installed.
I will have 4 copies of the plans mailed to you so that you will have them at least by Monday . These plans will have both sheets showing a latest revision date of 5/6/10. To avoid confusion please discard those I sent yesterday with the 5/5/10 revision
Thanks
Don

From: Nancy Stanford [mailto:NStanford@ci.whitewater.wi.us]
Sent: Thursday, May 06, 2010 3:08 PM
To: Don De Groot
Subject: Whitewater Plan Commission meeting May 10, 2010

I am attaching an agenda for the meeting as well as comments from the City Planners, Van deWalle & Associates.

Nancy Stanford
Administrative Assistant

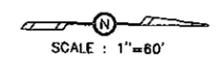
60



GENERAL NOTES:

- Description as furnished: Being part of the NW 1/4 and SW 1/4 of the NW 1/4 of Section 33, T5N, R15E, City of Whitewater, Jefferson County, Wisconsin, more fully described as follows: Commencing at the NW corner of said Section 33, thence N89°08'15"E, along the North line of said NW 1/4 and centerline of C.T.H. 'U', a distance of 858.47 feet to the Point of Beginning; thence continuing along said North line and centerline, N89°08'15"E, a distance of 811.74 feet; thence S00°51'45"E, along a line 30.00 feet Westerly of and parallel with the Westerly line of Lot 1 of Certified Survey Map No. 3066, a distance of 813.75 feet; thence S28°04'40"W, a distance of 272.85 feet; thence S15°35'31"E, a distance of 314.42 feet; thence S17°35'23"W, a distance of 884.62 feet; thence S62°00'00"W, a distance of 608.75 feet to a point on the Easterly line of Lot 2 of Certified Survey Map recorded in Volume 5, Page 9 of CSM's; thence N05°22'45"W, along said Easterly line, a distance of 807.38 feet to the SE corner of Lot 1 of Certified Survey Map recorded in Volume 5, Page 9 of CSM's; thence N00°58'15"E, along the Easterly line of said Lot 1 and Certified Survey Map recorded in Volume 3, Page 204 of CSM's, and as extended a distance of 1320.09 feet to the point of beginning. Said lands contain 1,640,586 square feet or 37.66 acres. Boundary information taken from a combination of (1) plan of original site construction prepared by Being Consultants, dated 10/26/95 and (2) deed provided by owner. This map should not be construed as a formal boundary survey.
- CURRENT ZONING: AT - AGRICULTURE TRANSITION
- NO ADDITIONAL PARKING REQUIRED FOR PROPOSED GREENHOUSE
- SITE DATA:

EXISTING BUILDINGS/TANK/GREENHOUSE	6.36	ACRES	16.9%
PROPOSED GREENHOUSE	9.38	ACRES	25.0%
EXISTING PAVEMENT	1.61	ACRES	4.2%
EXISTING GREEN SPACE	20.31	ACRES	53.8%
TOTAL	37.66	ACRES	100.0%
- NO CHANGES TO THE EXISTING LIGHTING OR SIGNAGE IS PROPOSED
- DUMPSTER IS LOCATED WITHIN THE BUILDING.
- EXCEPT FOR IMPROVEMENTS TO STORM WATER FACILITIES, NO OTHER CHANGES TO UTILITIES SERVING THE SITE ARE PROPOSED.



SITE DEVELOPMENT PLAN
 For: WHITEWATER GREENHOUSES, LLC.
 ATTN: CHRIS HAST (616) 878-3388
 2325 72ND ST. SW.
 BYRON CENTER, WI 49315

IN PART OF THE NW 1/4 OF SECTION 33, T5N, R15E,
 CITY OF WHITEWATER, JEFFERSON COUNTY, WISCONSIN

Revised by: _____
 Drawn by: PK
 Checked by: DDC
 Title: 00-00-10-10

00-00-10 ADD ORNAMENTAL TREES PER PLANNED SEVEN (600)
 00-00-10 REL. TO EXISTING (REV. 04)

Scale: 1"=60'

exxel engineering inc.
 302 OLIVE PARK LN • GRAND RAPIDS, MI 49509
 PHONE (616) 331-3800

DATE: 01-13-10

Item too large to scan.

**This part of the document may be viewed at the
Neighborhood Services Department,
Whitewater Municipal Building (2nd floor),
312 W Whitewater Street
or
Irvin L. Young Library, 431 W Center Street**

Greenhouse Elevations
Anchor Post Layout
Site Development Plan



VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission
 From: Mark Roffers, AICP, and Megan MacGlashan, AICP, City Planning Consultants
 Date: May 4, 2010
 Re: Requested site plan approval for proposed addition to existing greenhouse building (Whitewater Greenhouses) at 301 County Highway U

Summary of Request

The applicant, Whitewater Greenhouses (LLC), is seeking site plan approval to construct an addition onto the west side of the existing greenhouse building located at 301 County Highway U. The addition is proposed to be constructed in two phases and would ultimately cover roughly 9 acres of land. The property is zoned A-1 Agricultural Transition. Within this zoning district, greenhouse uses are a permitted by right use.

Analysis

1. This property is located at the northern edge of the City, west of the power plant. A few residential uses are located north and west of the property (outside the City limits), and land to the south/southwest/southeast is mostly vacant and largely comprised of floodplain (the proposed addition would be constructed entirely outside of the floodplain). The property is classified in the City's Comprehensive Plan in the "Business/Industrial Park" future land use category, which is intended to accommodate clean indoor manufacturing, warehousing and distribution, and office uses. The current and proposed greenhouse uses are consistent with this future land use category. Land to the east and northeast is classified in the "Manufacturing" future land use category, which is intended to accommodate a wide range of industrial uses, including indoor manufacturing, warehousing, distribution, freight terminals, and power generating facilities. Properties to the west and southwest of the subject property are planned for future higher-density (multi-family) residential uses, and properties to the north/northwest are classified as a long-range urban growth area (generally intended for growth beyond the Comprehensive Plan's time horizon).

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
 611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •
 414.732.2035 Fax
www.vandewalle.com

Shaping places, shaping change

We feel that the continued and expanded use of this property for greenhouses is appropriate for this area, taking into consideration both the existing and planned future land uses for this property and surrounding properties. This type of use is not associated with significant nuisances such as noise, light, odor, or traffic and, therefore, provides an appropriate buffer between the more intensive industrial and power production uses existing and planned for lands to the east, and the residential uses existing and planned for the properties to the west. We do suggest assurances that any future ventilation fans or other building mechanicals that would generate noise be directed away from existing and planned housing areas, wherever practical.

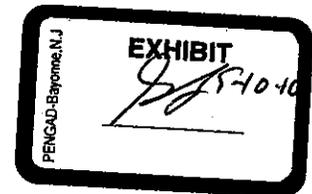
2. The applicant is not proposing to increase the size of the parking area on the site, and site access will remain the same as in the past. This is appropriate.
3. No new exterior lighting or signage is being proposed for the site.
4. The applicant is proposing various on-site improvements to manage additional storm water that will result from the significant increase in the footprint of the greenhouse. Storm water plans and calculations have been reviewed by the City's engineering consultant. He has indicated that the plans generally comply with the City's storm water management ordinance and has offered several suggestions for improvement of the plans. These suggested revisions should be addressed and resubmitted to the City prior to the issuance of any building permit.
5. The greenhouse addition is proposed to look identical to the existing greenhouse and will have a fairly low profile. The elevation of the building site is 10 to 15 feet lower than the elevation at County Highway U, so the view from the roadway is roughly level with the roof of the existing and proposed greenhouse buildings. The grade change between this property and the current and future residential properties to the west is even more significant, with the greenhouse property located 25 to 30 feet lower than properties to the west. Residents of any future housing on these properties will therefore look out over the tops of the greenhouse buildings.
6. The applicant is proposing to install five evergreen trees along the Highway U street frontage. In addition, we recommend the applicant also install five ornamental trees, such as redbud or flowering crab, in the gaps between the evergreens along the Highway U yard area, to more closely comply with the City's landscaping guidelines. Given the significant grade change between this property and the properties to the west, we do not feel it is necessary for the applicant to install additional landscaping along the western property line, however. Also, we do not feel that foundation plantings are necessary. So in summary, prior to the issuance of a building permit, the applicant should revise the site plan to indicate the addition of five ornamental trees in the front yard area, including the proposed tree species, and to indicate that the evergreens will be a minimum of 4 feet tall at the time of installation and the trees will be a minimum of 1 ½ inch diameter at the time of installation, per the City's landscaping guidelines.
7. Currently, waste heat (steam) from the power plant is used to warm the greenhouses. We understand this practice will continue to be utilized for the proposed building addition. We consider this to be a positive example of a sustainable business practice that the City,

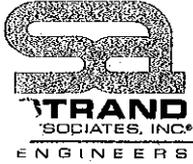
through its Comprehensive Plan and other policies, encourages and promotes in Whitewater.

Recommendation

We recommend 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.



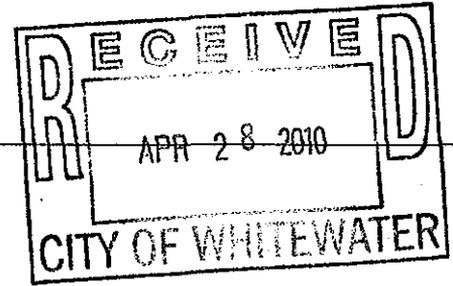


910 West Wingra Drive
Madison, WI 53715
Phone: 608-251-4843
Fax: 608-251-8655

Office Locations

Madison, WI
Joliet, IL
Louisville, KY
Lexington, KY
Mobile, AL
Columbus, IN
Columbus, OH
Indianapolis, IN
Milwaukee, WI
Cincinnati, OH
Phoenix, AZ

www.strand.com



April 26, 2010

Mr. Bruce Parker, Director of Neighborhood Services
City of Whitewater
312 West Whitewater Street
Whitewater, WI 53190

Re: Whitewater Greenhouses

Dear Bruce,

We have reviewed the construction drawings and stormwater management calculations prepared by Exxel Engineering, Inc. for the Whitewater Greenhouses project. The drawings are dated April 13, 2010.

We offer the following comments for your consideration.

1. The proposed drainage ditch located downstream of the existing south detention pond should be extended an additional 55 feet to elevation 796. This will allow the ditch to be graded at a minimum 1 percent slope instead of a flat grade, which is currently indicated. An additional stone check dam should be placed at the end of the proposed ditch.
2. We recommend stone riprap aprons downstream of the existing 30-inch-diameter storm sewer entering the south detention basin and downstream of the existing 42-inch storm sewer entering the north detention basin.
3. We recommend temporary erosion control blanket on the regraded side slopes of the north and south detention basins.
4. A stone tracking pad should be provided where construction traffic will exit the site.
5. As acknowledged in the information submitted, the applicant shall submit appropriate forms required to obtain a Stormwater Management Permit from the City of Whitewater. In addition, a summary of additional impervious areas shall be submitted to supplement the City's stormwater utility and permit.
6. Based on review of the stormwater management calculations, the City's stormwater quality and quantity requirements are generally being met.

Please contact me if you have any questions regarding our review comments. Thank you.

Sincerely,

STRAND ASSOCIATES, INC.®

Mark K. Shubak, P.E.

c: Dean Fischer, DPW, City of Whitewater
Mark Roffers, Vandewalle & Associates, Inc.
Mark A. Fisher, Strand Associates, Inc.

STATE OF WISCONSIN

CITY OF WHITEWATER

WALWORTH & JEFFERSON
COUNTIES

In the matter of:

*Plan Commission to review proposed greenhouse addition located at
301 County Hwy U for Whitewater Greenhouses LLC.*

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS
COUNTY OF JEFFERSON)

Jane E. Wegner, being first duly sworn on oath, deposes and says that on the
26th day of April, 2010, (s)he deposited in the outgoing mail for the City of
Whitewater, Walworth & Jefferson Counties, Wisconsin, a true copy of the attached notice, securely
enclosed in an envelope, with postage prepaid thereon, to the following named, at the address stated:

SEE LIST ATTACHED

Jane E. Wegner
Jane E. Wegner
Plan Commission Clerk

Subscribed and sworn to before
me this 26 day of
April, 2010

Michelle Smith
NOTARY PUBLIC, State of Wisconsin
My commission expires: 6-13-10



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. to review the proposed addition to the greenhouse located at 301 County Highway U for Whitewater Greenhouses LLC.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Bruce Parker, Zoning Administrator

05-15-33-21-000
LSP-WHITEWATER LP
402 E MAIN ST
OZEMAN MT 59715

05-15-33-22-002
GERALD R THAYER
BARBARA TURNER
9321 OAKWOOD DRIVE
WHITEWATER WI 53190

05-15-33-24-000
LSP-WHITEWATER LP

05-15-28-33-003
RUSSELL R WALTON
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

05-15-28-33-006
RUSSELL R WALTON

05-15-33-22-000
WHITEWATER GREENHOUSE
LLC
2125 72ND ST
BYRON MI 49315

05-15-33-23-000
LSP-WHITEWATER LP
111 COUNTY HWY U
WHITEWATER WI 53190

05-15-28-33-001
KENNETH R HAVLOVICK
SUE E HAVLOVICK
N516 FREMONT ROAD
WHITEWATER WI 53190

05-15-28-33-004
RUSSELL R WALTON
KIMBERLY A WALTON
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

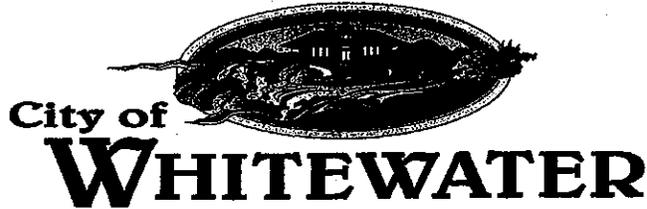
05-15-28-34-000
RUSSELL R WALTON

05-15-33-22-001
GEORGE R WALTON TRUST
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

05-15-33-23-001
GERALD R THAYER
KATHLEEN M THAYER
9321 OAKWOOD DRIVE
WHITEWATER WI 53190

05-15-28-33-002
THOMAS J PARTOL
CAROLINE L FROELICH
W4058 COUNTY HWY U
WHITEWATER WI 53190

05-15-28-33-005
RUSSELL R WALTON



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
 312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
 (262) 473-0540 • Fax (262) 473-0549
 www.ci.whitewater.wi.us

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. to hold a public hearing for the consideration of a conditional use permit application for a proposed 25 foot clear span bridge to cross the creek on the property located at 1621 S. Pearson Lane for Jim Caldwell.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540


 Bruce Parker, Zoning Administrator

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 9:00 a.m. four weeks prior to the meeting. If not, the item will be placed on the next available Plan Commission meeting.

CITY OF WHITEWATER
CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on _____.
2. Class 1 Notice published in Official Newspaper on _____.
3. Notices of the Public Hearing mailed to property owners on _____.
4. Plan Commission holds the PUBLIC HEARING on _____. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.66 of the City of Whitewater Municipal Code of Ordinances, entitled CONDITIONAL USES, for more information on the application.

- ✓ Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 1621 PEARSON COURT, WHITewater
Zoning of Property R-2

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:

- A. The size and locations of:
- 1) Rooms;
 - 2) Doors;
 - 3) Windows;
 - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
 - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
 - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
 - 7) Chimney(s) - include also the type of construction (masonry or factory built);
 - 8) Heating equipment;
 - 9) Cooling equipment (central air conditioning, if provided);
 - 10) Attic and crawl space access; and
 - 11) Fire separation between dwelling and garage.
 - 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim _____, Siding _____, Roofing _____.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**

- A. Single family;
- B. Duplex;
- C. Multifamily # units _____;
Condominium # units _____;
Sorority # units _____;
Fraternity # units _____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls _____;
- G. Other;

City of Whitewater
Application for Conditional Use Permit

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Jim Caldwell
Applicant's Address: 235 S ARD MOOR, Whitewater, WI 53190
Phone # 262-973-1400

Owner of Site, according to current property tax records (as of the date of the application):
James Caldwell

Street address of property: 1621 PEARSON COURT

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
SEE ATTACHED

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Scott Ehler
Name of Firm: Ehler Construction
Office Address: 291 COBURN LANE
Whitewater WI Phone: 262-215-9194

Name of Contractor: Scott Ehler

Has either the applicant or the owner had any variances issued to them, on any property? YES **NO**
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: Residence Current Land Use:

Accessory or Secondary Uses:

Proposed Use (Describe need for conditional use):
BRIDGE OVER CREEK

No. of occupants proposed to be accommodated: N/A

No. of employees: N/A

Zoning District in which property is located: R-2

Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing when necessary floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
<p>A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces value of other property.</p>	<p><i>Should not be</i></p>
<p>B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.</p>	<p><i>N/A</i></p>
<p>C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.</p>	<p><i>Application pending DNR APPROVAL</i></p>
<p>D. That the conditional use conforms to the purpose and intent of the City Master Plan.</p>	<p><i>It should conform</i></p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. Conditions can deal with the points listed below. Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Conditional Uses" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

Jan Caldwell 4/19/10
Applicant's Signature Date

APPLICATION FEES:

Fee for Conditional Use Application: \$100

Date Application Fee Received by City 4-20-10 Receipt No. 6.008495
Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 4-26-10
Date set for public hearing before Plan & Architectural Review Board: 5-10-10

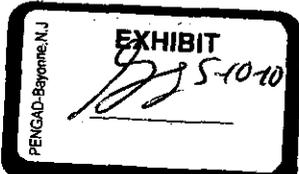
ACTION TAKEN:

Conditional Use Permit: Granted Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Conditional Use Permits for a 25' clear span bridge to cross the
Creek on the property located at 1621 S. Pearson Lane for Jim
Caldwell. Conditional Approval is based on the Engineering Report.

Meggie Torres (Jw) 5-10-10
Signature of Plan Commission Chairman Date



AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

James Caldwell, the applicant/petitioner for
(Owner's Name): James Caldwell, dated: 4/19/10
Phone # 242-473-1400, tax key #(s) WUP 00332

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 19 day of April, 2010.

James Caldwell (Signature of Applicant/Petitioner)
James Caldwell (Printed Name of Applicant/Petitioner)
James Caldwell (Signature of Owner of Property & Date Signed)
James Caldwell (Printed Name of Owner of Property)

Document Number

WARRANTY DEED

This Deed, made between GEOFFREY R. HALE and JACQUELINE A. HALE, husband and wife, Grantor, and JAMES K. CALDWELL, a married person dealing in his individual property, Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Walworth County, State of Wisconsin (the "Property"):

Being a part of the Southeast 1/4 of the Northwest 1/4 of Section 6, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin, described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 6; thence North 84°55'12" East along the South line of the Northwest 1/4 of said Section 6, 1778.69 feet to the Place of Beginning; thence North 00°16'13" West 300.00 feet; thence North 84°59'51" East 369.37 feet to the Northwest corner of Lot 2, Galloway Ridge Subdivision; thence South 00°45'32" West along the West line of said Lot 2, 300.00 feet to the Southwest corner of said Lot 2 and the South line of the Northwest 1/4 of said Section 6; thence South 84°55'12" West along the South line of the Northwest 1/4 of said Section 6, 364.00 feet to the Place of Beginning, containing 2.51 acres of land.

Recording Area

Name and Return Address

PART OF WUP 00332

Parcel Identification Number (PIN)

This is not homestead property.
~~(is)~~-(is not)

In addition, Grantors reserve to the City of Whitewater a 20 foot public access easement along the westernmost boundary line of this parcel.

This transaction is between adjoining property owners, and this property shall become part of Grantee's property known as Lot 2 of Galloway Ridge Subdivision, City of Whitewater, Walworth County, Wisconsin. The parcel conveyed herein may not be used as a separate building site or sold to anyone other than an adjoining property owner without the approval of the City of Whitewater.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, easements and restrictions of record, and public or private rights, if any, in such portion of the subject premises as may be presently used, laid out or dedicated in any manner whatsoever, for road, street, highway and/or alley purposes, and will warrant the same.

Dated this 13th day of August, 2007.

Geoffrey R. Hale
* GEOFFREY R. HALE

Jacqueline A. Hale
* JACQUELINE A. HALE

AUTHENTICATION

Signature(s) _____

authenticated _____ day of _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
WALWORTH County)

Jim Caldwell

From: Lambert, Jamie D - DNR [Jamie.Lambert@wisconsin.gov]
Sent: Thursday, April 08, 2010 8:41 AM
To: Jim Caldwell
Subject: Clear Span Bridge permit application
Attachments: WRAPP form.pdf; feesheet.pdf

Good Morning James,

It was very nice talking to you this morning, per our phone conversation I am emailing you the Water Resources Application for Project Permits (WRAPP) form and Fee Sheet. Also be sure to include a location map, such as one from MapQuest. Please fill them in as best you can and email it back, I will make the additional copies for you.

If you have any questions my contact information is listed below.

Thank you and have a great day!

Jamie

 Jamie D. Lambert
Water Management Specialist
Wisconsin Department of Natural Resources
141 NW Barstow Street Room 180
Waukesha, WI 53188
phone: (262) 574-2138
fax: (262) 574-2117
e-mail: jamie.lambert@wi.gov

Pam Schensic
262-574-2138
OR
262-574-2136

JS

Jim Caldwell
235 S. Ardmor Dr.
Whitewater, WI 53120
262-473-1400

Bruce Parker
City of Whitewater

Dear Bruce,

Thanks for providing the Ariel photos; I have included a copy of that in the attached material, which is essentially a copy of the application sent to the DNR, for your review.

Would you be able to place this on your next committee's agenda for consideration?

If you need other information let Scott Ehlert or I know.

Thanks for your assistance,

Regards,



Jim

Send 4/9/10

Use this form for (check all that apply):

Work in public waters (DNR – ch. 30, Wis. Stats.)
 Work in waters of the U.S (Corps of Engineers)

Permit for Wetland Fill (DNR or Corps of Engineers)
 Storm water NOI – New land disturbing construction activity
 Storm water NOI – Renewal FIN #
 Dam projects (DNR or Corps of Engineers)

Read all instructions provided before completing. If additional space is needed, attach additional pages.

Notice: This form is used to apply for coverage under the state construction site storm water runoff general permit, and to apply for a state or federal permit or certification for waterway and wetland projects or dam projects. This application form is authorized by chs 30 and 31, Wis. Stats, for Alterations to Public Waterways, ch. 281, Wis. Stats, for Wetland Fill and s. 283.33, Wis. Stats., for Storm Water Discharges. Personally identifiable information on this form may be used for other program purposes and may be made available to requestors under Wisconsin's Public Records laws and be posted on the Department website. This form and any required attachments constitute the permit application. Failure to complete and submit this application form may result in a fine and/or imprisonment or forfeiture under the provisions of applicable laws.

Section 1: Applicant Information

Applicant Name (Indiv., Org. or Entity) <i>James Caldwell</i>		Authorized Representative <i>same</i>		Title	
Mailing Address <i>235 S. ARMOR DR.</i>		City <i>Whitewater</i>		State <i>Wi</i>	Postal Code <i>53190</i>
E-mail address <i>J.Caldwell@firstcitizenswi.com</i>		Telephone Number (include area code) <i>262-473-1400</i>		Fax Number (include area code)	

Section 2: Landowner Information (if different than Applicant)

Name (Organization or Entity) <i>same</i>		Contact Person		Title	
Mailing Address		City		State	Postal Code
E-mail address		Telephone Number (include area code)		Fax Number (include area code)	

Section 3: Other Contact Information (check one):

Consultant or Plan Preparer Contractor Agent Other If Other, specify:

Name (Organization or Entity) <i>same</i>		Contact Person		Title	
Mailing Address		City		State	Postal Code
E-mail address		Telephone Number (include area code)		Fax Number (include area code)	

Section 4: Project or Site Location

Site Name (if any)		County <i>Walworth</i>	Municipality <i>Whitewater</i>
Location Address/Description <i>1621 PEARSON COURT</i>		<input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township	

Section 5: Location Information

Create a map depicting the perimeter of the construction site (land disturbance) and relationship to nearby water resources using the Surface Water Data Viewer http://dnr.wi.gov/org/water/data_viewer.htm or a 7.5-minute series topographic map. You can print the map and then draw the location on the map.

Provide the section, range, township information and if available, the Latitude and Longitude information.

PLSS (Public Land Survey System) Method

Quarter-Quarter		Quarter		Section	Township	Range	Direction	If this site is not wholly contained on the quarter-quarter section, more description:
<input type="checkbox"/> NW	<input type="checkbox"/> NE	<input checked="" type="checkbox"/> NW	<input type="checkbox"/> NE	<i>6</i>	<i>T4 N</i>	<i>15</i>	<input checked="" type="checkbox"/> E	
<input type="checkbox"/> SW	<input checked="" type="checkbox"/> SE	<input type="checkbox"/> SW	<input type="checkbox"/> SE				<input type="checkbox"/> W	

Water Resources Application for Project Permits

Form 3500-053 (R 08/09)

Page 2

Applicant/Project Name: James Caldwell County: Walworth

Latitude and Longitude Method (if available)

	Degrees	Minutes	Seconds	Method of Determining
Latitude	42°	50'	6" N	<input type="checkbox"/> GPS <input checked="" type="checkbox"/> DNR's Surface Water Data Viewer <input type="checkbox"/> Other (specify):
Longitude	88°	45'	59.5" W	

Section 6: Waterways and Wetlands (see Instructions about potential additional application requirements)

Name (description if unnamed) of closest waterbodies <u>GALLOWAY CREEK</u>	Type <input type="checkbox"/> Lake <input checked="" type="checkbox"/> Stream	Special status <input type="checkbox"/> ORWERW <input type="checkbox"/> 303(d) listed
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Yes No Wetlands:
 Wetlands will be filled, excavated, or disturbed during construction or as part of this project.

The presence of wetlands has been evaluated using: (check all that apply)

<input type="checkbox"/> Wisconsin Wetlands Inventory	<input checked="" type="checkbox"/> Wetland Delineation (attach report)
<input type="checkbox"/> Wetland Locator Tool http://dnr.wi.gov/wetlands/locating.html	<input type="checkbox"/> Soils (NRCS maps) <input type="checkbox"/> Other (specify)

Section 7: Project Information (Attach additional sheets as necessary)

Duration: <u>30 DAYS</u>	Anticipated Project Start Date (month/day/year) <u>5/15/2010</u>	Projected Project End Date (month/year) <u>6/15/2010</u>
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Photos: Provide photographs of the "before" condition. Date of Photographs:

Narrative of the Project:

Provide a one to two paragraph description of the proposed project, including land and water alterations and intended use(s) of the project. Attached

Section 8: Attachments and Permit Access (Include appropriate attachments for each proposed activity.)

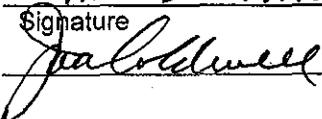
The following attachments, together with this form, constitute this permit application: (include all that apply)
 Attachment Name(s)

I have obtained a copy of the construction site storm water runoff general permit from the department's Internet site.
http://dnr.wi.gov/runoff/pdf/stormwater/permits/construction/construction_permit_S067831-3.pdf

Section 9: Certification & Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or imprisonment or forfeiture under the provisions of applicable laws.

Permission: I hereby give the Department permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (Print or Type) <u>James Caldwell</u>	Title	Telephone Number <u>262-473-1400</u>
Signature 		Date Signed <u>4/8/10</u>

LEAVE BLANK - AGENCY USE ONLY

Date Received	Fee Received \$	Construction Site ID#	Docket #	Corps #
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Initial screening:
 Completeness Historic checked Rare species (NHI) checked Wetlands checked

Clear-Span Bridge Proposal

It is our plan to construct a clear-span bridge across the creek that would allow us to have year around access to the other side of the property that we own.

Our plan is to construct an approximately 25 foot clear-span bridge that is about 6 foot wide that would be above the stream bed by about 5 feet. The stream's banks vary from about 8-12 feet wide with the proposed crossing site at about 10 feet. The tape measure shown in the photos hung down about 3 ½ feet which was about ½ foot above the water level. We will install pilings on both sides of the bridge to potentially support the bridge at a little higher level. If approach fill is needed we would stay under a 1 foot depth and place Geotextile under it. However, this creek typically dries up late summer of each year.

We plan to use steel beams to make the stream span and cover the beams composite lumber. Our goal is to start this project after May 15th, 2010.

Walworth County Interactive Mapping System

- Address Point
- PLSS Lines
 - PLSS Section Line
 - PLSS Quarter Section Line
 - Standard Acre
 - Reoplain
 - Geos. Survey District
 - Extra Territorial Zoning Area
- USGS Streams
 - Perennial Stream
 - Intermittent Stream
 - Soil Survey Area
 - Comp. Land Use Plan 2035
 - Urban Density Residential - Less than 5.0 acres/dwelling
 - Per. & Density Residential - At least 5.0 acres/dwelling
- Commercial
 - Commercial/Recreational
 - Mixed Use
 - Industrial
 - Government and Institutional
 - Recreational
 - Transportation, Communication and Utilities
 - Agricultural Related Manufacturing, Warehousing and Manufacturing
 - Streets and Highways
 - Urban Reserve
 - Exclusive
- Setback Landfill
 - Setback Agricultural - Min Parcel Size: 35 ac.
 - Other Agricultural - Rural Residential (5 to 24 acres/dwelling)
 - Other Agricultural - Rural Residential (15 to 19 acres/dwelling)
 - Other Agricultural - Rural Residential (20 to 34 acres/dwelling)
 - Primary Environmental Corridor
 - Secondary Environmental Corridor
 - Isolated Natural Resource Area
 - Other - DNR, Owner - DOT
 - Other Open Lands to be Preserved
- Surface Water
 - Primary Environmental Corridor
 - Secondary Environmental Corridor
 - Isolated Natural Resource Area
 - Surface Water
- 2 FT Topographic Contours
 - Intermittent
 - Index Depression
 - Intermittent Depression
 - Approximate Index
 - Approximate Index
 - Approximate Index
 - Approximate Index
 - Approximate Intermittent Depression
- Spot Elevations
 - Structure Outlets
 - Right-of-Way
- Parcel Lines
 - Parcel Line
 - Extended Parcel Line
 - The Line
 - Master Line
 - Tax Parcels
- Patented Lands
 - Subdivision Plat, Assessor's Plat
 - Certified Survey Map
 - Condominium Plat
 - Cemetery Plat
 - Orcl. Division Boundary

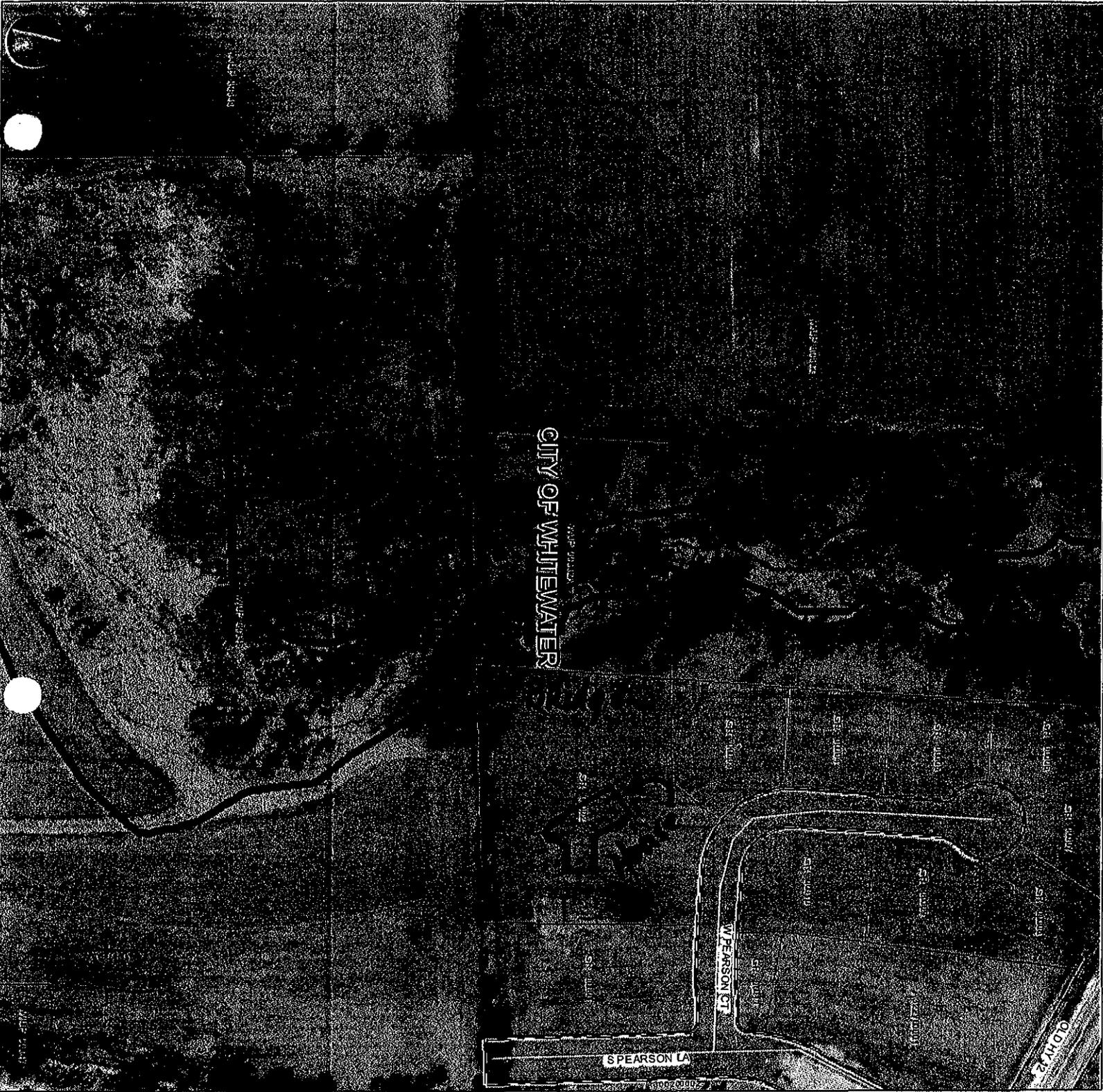
Site PLAN

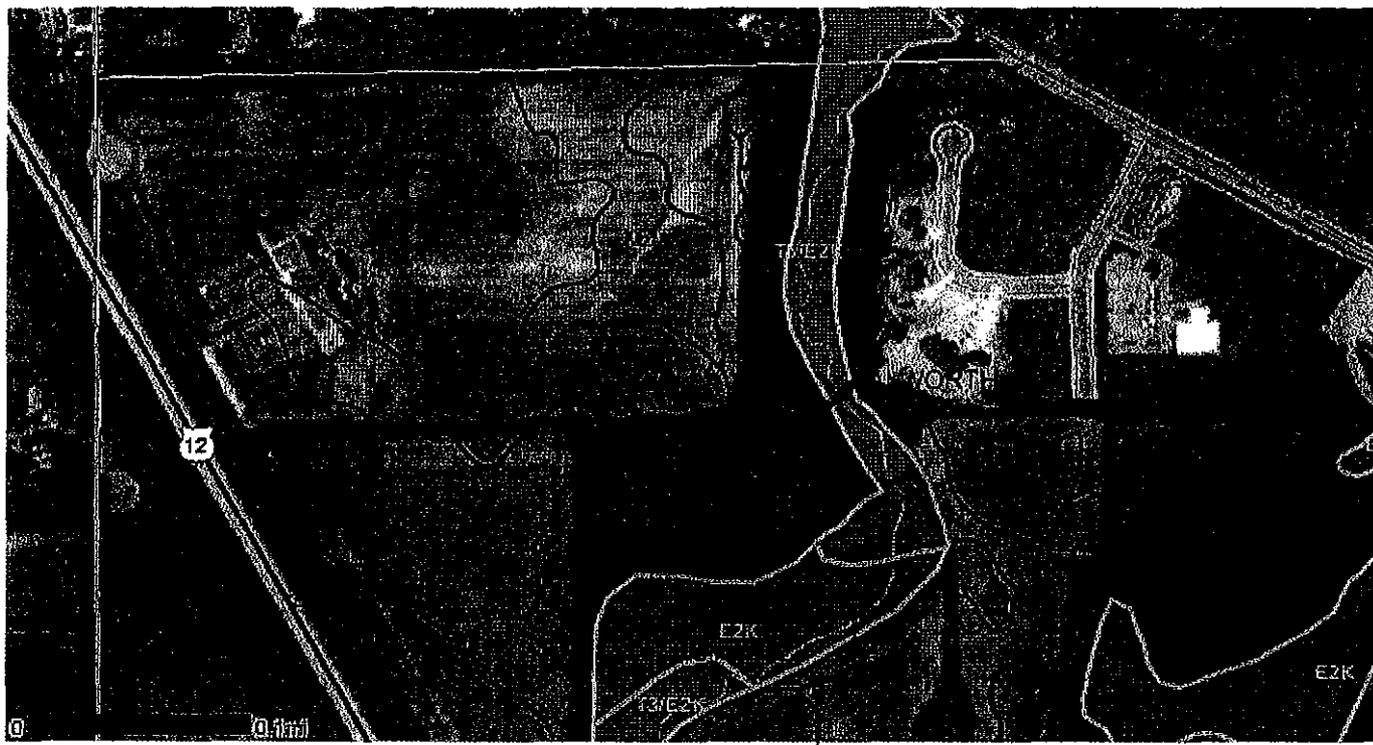
The information provided on this map has been produced and processed from sources believed to be reliable. No warranty, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of this information. The information contained herein will not be accepted as an official document.

1 inch = 207 feet

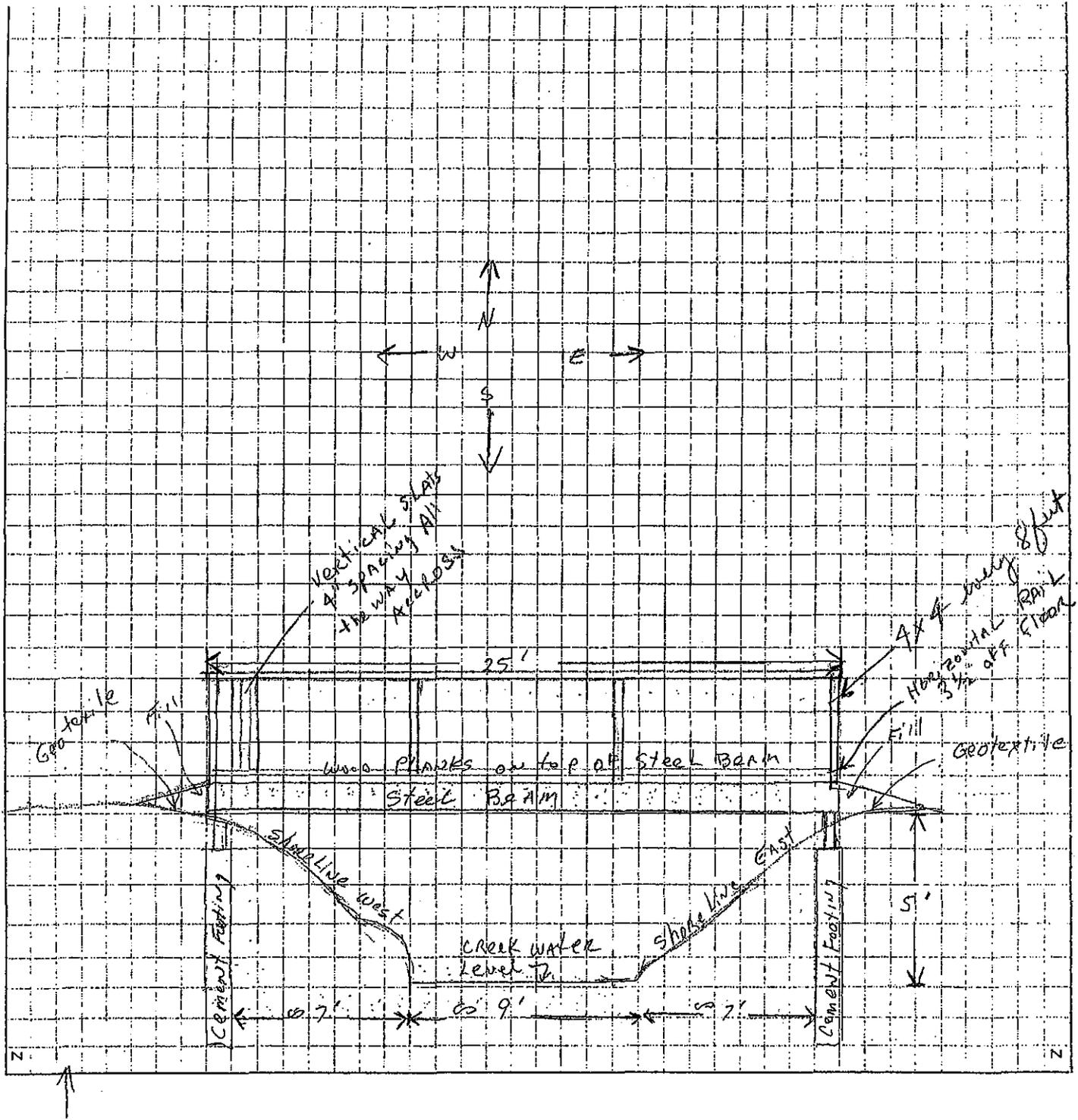
0 21 Feet

425





*Bridge
Location*



1 SQUARE = 1'
SCALE

Elevation DRAWING



FEE INFORMATION

Information about Fees for Applications to Alter Lakes, Streams or Wetlands

State law requires that the Department charge a fee for processing your request to make changes to public waters and wetlands. The Department begins review of each application for completeness only after the correct fee is received. Please review the application information for the activity you are applying for in order to determine the correct fee. This information is available on the Department's web site at www.dnr.wi.gov under the topic Waterway and Wetland Permits.

*** Please see Page 8 of this Application for Applicable Fees ***

*** COMPLETE BOTH SIDES OF THIS FORM AND SUBMIT WITH YOUR APPLICATION ***

For purposes of determining permit application fees, a "single project" is defined as an activity that affects a single waterway, waterbody or wetland within a single county. **After exemption determinations and general permit deadlines are met, individual applications are reviewed on a first in - first out basis.**

An optional **expedited decision process** is available for a supplemental fee of \$2000. The expedited permit review guarantees a decision by a mutually agreed-upon date between the applicant and the Department. If you wish to request an expedited permit review, submit a letter with your application describing the time frame that will meet your needs, along with a check for the applicable permit fee and a separate check for the supplemental fee. Supplemental fees are based on county boundaries. If your project involves alterations to the landscape in 2 separate counties your supplemental fee will be \$4,000. (The supplemental fee funds permit reviewers specifically designated for expedited decision-making). Within twenty days we will respond in writing, specifying any additional information needed for an expedited decision on your proposal, and the date by which we can make a decision once the application is complete.

After-the-fact applications, for permits or approvals submitted after work has been commenced or completed, require twice the usual fee. Projects started or completed without obtaining the appropriate permits are subject to enforcement actions (e.g. monetary forfeitures, mandatory abatement, mandatory restoration).

Refunds of standard fees are made only if the applicant withdraws their application and requests a refund before we determine that the application is complete.

Note: Personally Identifiable information on this form is not used for any other purpose than filing of this application but it may be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.].

Activity Applied for <i>clear span BRIDGE</i>	Amount Enclosed <i>Previously sent</i> \$ _____ Make checks payable to "Wisconsin DNR"
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LEAVE BLANK - DEPARTMENT OF NATURAL RESOURCES USE ONLY		
Fee Received \$ _____	<input type="checkbox"/> Check <input type="checkbox"/> Money Order	Check/Order Number
Received by		Docket Number

Please review the permit application materials closely to see if your project is eligible for a General Permit (GP) or an Individual Permit (IP). This will make a difference in your fee, and in the permit processing time. For projects that require multiple permits or approvals, use the right hand columns to calculate your total fee. **The following projects do not require fees:** Waterway projects funded in whole or in part by any Federal or State agency, dam or wetland projects conducted by any Federal or State agency.

Activity	Quantity	Amount	Subtotal
Activities requiring a \$50 fee:			
GP for biological shore erosion control structure			
GP for boat landing (public only)			
GP for clear-span bridge ✓	1	50. ⁰⁰	
GP for dredging- manual or less than 25 cubic yards from a river or stream			
GP for dredging- plant and animal nuisance removal in "outlying waters"			
GP for dredging - previously permitted drainage district maintenance			
GP for dry fire hydrant			
GP for fish crib, half log, spawning reef, tree drop, wing deflector)			
GP for ford			
GP for piling			
GP for pond-landscape (not located in a wetland)			
GP for pond-wildlife / wetland conservation (meeting criteria in NR 353.04 and NR 353.05)			
GP for new riprap on moderate and high energy lakes and flowages			
GP for riprap repair or replacement on inland lakes and flowages			
GP for seawall replacement or seawall replacement with riprap or vegetated armoring			
GP for temporary in-stream crossing			
GP for weed rake			
GP for wildlife habitat structure (nesting structure)			
Boathouse / fixed houseboat repair certification			
Total Quantity	1	x \$50	= \$ 50.-
Activities requiring a \$300 fee:			
GP for a new culvert			
GP for dredging-each open trench utility crossing or dredging a previously dredged area			
GP for grading greater than 10,000 square feet on the bank			
GP for Intake-outfall structure			
GP for pond-stormwater			
Total Quantity		x \$300	= \$
Activities requiring a \$300 fee:			
Individual Permit (IP) for fish/wildlife habitat structures			
IP for non-metallic mining in Marathon County			
IP for piling			
Boathouse certification for an exception	single project	\$300	= \$300
Permits requiring a \$500 fee:			
All Individual Permits (IP) unless otherwise specified			
Dam construction or modification approval			
Dam transfer ownership and/or financial responsibility approval			
Declaratory rulings			
Municipal bulkhead line approval			
Water level or flow order			
Water Quality Certification (e.g. wetland draining, dredging, filling)	single project	\$500	= \$500
Subtotal		\$	50.-
After-the-fact Permit Fee: double the applicable fee (these fees are non-refundable)		\$	
Optional Request for Expedited Permit Decision: Supplement Fee of \$2000 per county		\$	
Make checks payable to "Wisconsin DNR" TOTAL		\$	50. ⁰⁰

Previously sent

Sept 9/1/14

This is your CLEAR SPAN BRIDGE OVER STREAMS GENERAL PERMIT

The Clear Span Bridge General Permit (GP) Attachment is to be used in conjunction with the "Water Resources Application for Project Permits (WRAPP)" (Form# 3500-53) and will not be accepted if submitted separately. Use this form when placing a clear span bridge over a public (navigable) stream. Be advised the "Construction Erosion and Sediment Control" attachment is needed in addition to this General Permit Attachment if the land disturbing activity is one acre or more and the project is required to have an erosion and sediment control plan.

Please fill out the form below. After you clearly demonstrate the project is eligible for the GP, this permit application is "**Approved**" once it is signed and dated by an authorized Wisconsin Department of Natural Resources employee.

Section 1: Project Description

Landowner (Applicant) Name JAMES CALDWELL	County WALWORTH	Waterbody Name GALLOWAY CREEK
---	---------------------------	---

Total Area of Construction Site (acres) LESS THAN 1/100 OF AN ACRE	Total Estimated Disturbed Area (acres) LESS THAN 1/100 OF AN ACRE
--	---

Section 2: Permit Eligibility

To qualify for this GP, your project must meet certain eligibility standards. Please review and certify "Yes" the project has been designed and will be constructed in compliance with ALL of the following GP eligibility standards. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Permit (IP). Be advised the Department has the final discretion to determine GP eligibility and may require information in addition to the initial permit application submittal or require an Individual Permit (IP) if site-specific conditions require additional review.

General Permit Eligibility Standard	Yes
The clear span bridge will not be located on a wild river designated under s. NR 302, or where similar federal, state or local regulations prohibit the construction.	<input checked="" type="checkbox"/>
The clear span bridge will span a public stream that is less than 35 feet wide, measured from ordinary high water mark to ordinary high water mark.	<input checked="" type="checkbox"/>
At least one end of the bridge structure will be firmly anchored in a manner that will prevent the bridge from being transported downstream during flood conditions.	<input checked="" type="checkbox"/>
The bridge will completely span the public stream from top of channel to top of channel with no support pilings in the stream.	<input checked="" type="checkbox"/>
The project meets or exceeds the stormwater management technical standards of s. NR 151.11 and 151.12, Wis. Adm. Code for stormwater discharges. The technical standards are found at: http://dnr.wi.gov/runoff/stormwater/techstds.htm	<input checked="" type="checkbox"/>
Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices will be removed upon final site stabilization. All areas disturbed during removal of temporary erosion and sediment control practices will be restored.	<input checked="" type="checkbox"/>

	Yes
Any area where topsoil is exposed during the placement, repair or removal of the structure will be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.	<input checked="" type="checkbox"/>
All grading, excavation and land-disturbance activity will be confined to the minimum area necessary for the placement of the structure and will not exceed 10,000 square feet. Note: If the project includes any grading, excavation or land-disturbance activity in excess of 10,000 square feet you will also need to receive approval under a Grading General or Individual Permit in addition to this permit	<input checked="" type="checkbox"/>
To minimize adverse impacts on fish movement, fish spawning, egg incubation periods and high stream flows, the project may not occur during the following time periods: <ul style="list-style-type: none"> ✓ September 15th through May 15th for trout streams. ✓ March 15th through May 15th for ALL waters located south of state highway 29. ✓ April 1st through June 1st for ALL waters located north of state highway 29. Note: Per s. NR 1.02 (7), the Department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the Designated Waters Theme on DNR's Surface Water Data Viewer: http://dnr.wi.gov/org/water/data_viewer.htm	<input checked="" type="checkbox"/>
All equipment used for the project will be designed and properly sized to minimize the amount of sediment that can escape into the water.	<input checked="" type="checkbox"/>
To stop the spread of invasive species and viruses from one public waterway to another public waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project will be decontaminated for invasive species and viruses before and after use or prior to use within another public waterway.	<input checked="" type="checkbox"/>
During the placement of the structure, the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark will be minimized to the greatest extent possible.	<input checked="" type="checkbox"/>
The approach fill will be a maximum of 1 foot deep at the bank and 0 feet at the 15 feet landward mark on the bank of the public waterway. If greater than 1 foot of height is needed for an approach, an open ramp that does not impede flood flows may be used.	<input checked="" type="checkbox"/>
Accumulated brush, debris or other obstructions that are trapped in or underneath the structure will be regularly removed to prevent upstream flooding and to maintain structural integrity.	<input checked="" type="checkbox"/>

Section 3: Submittal Requirements

	Yes
I have submitted a \$50 PERMIT APPLICATION FEE , in the form of a check, payable to "Wisconsin DNR."	<input checked="" type="checkbox"/>
I have prepared and submitted DETAILED PLANS AND/OR DRAWINGS , which clearly illustrate the project has been designed and will be constructed in compliance with all of the General Permit Eligibility Standards.	<input checked="" type="checkbox"/>
I have submitted LEGIBLE SITE MAPS , which clearly illustrate the perimeter of the construction site and relationship to nearby water resources (e.g. lakes, rivers, streams, wetlands) and major landmarks and roads.	<input checked="" type="checkbox"/>
I have submitted CLEAR PHOTOGRAPHS , which illustrate the entire project site in pre-construction condition and the relationship to nearby water resources.	<input checked="" type="checkbox"/>
I have submitted a COMPLETED GENERAL PERMIT ATTACHMENT and provided 3 COPIES of the entire application package.	<input checked="" type="checkbox"/>

Section 4: Certification

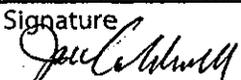
	Yes
I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this permit application.	<input checked="" type="checkbox"/>
I certify that the project has been designed and will be constructed in compliance with all of the General Permit Eligibility Standards.	<input checked="" type="checkbox"/>
I certify that the information contained in this application submittal is true and accurate and understand that failure to comply with any or all of the provisions of the issued permit may result in permit revocation, a fine and/or imprisonment or forfeiture under the provisions of applicable laws.	<input checked="" type="checkbox"/>
I understand that I am responsible for obtaining all necessary local (e.g. city, town, village or county) and U.S. Army Corps of Engineer permits or approval in addition to this state General Permit and prior to commencing any work at the project site.	<input checked="" type="checkbox"/>

Section 5: Permission

	Yes
I hereby give the Department permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.	<input checked="" type="checkbox"/>

Section 6: Landowner or Authorized Representative Signature

Please sign below. By signing you are certifying that all of the requested items contained in this permit application attachment has been fulfilled and the appropriate documentation is attached.

Name of Owner/Authorized Representative (please print)	Title	Telephone Number
James Caldwell		262-473-1400
Signature	Date Signed	
	3/29/10	

DEPARTMENT OF NATURAL RESOURCES USE ONLY

PLEASE DO NOT MARK UP SECTIONS 7-9

Section 7: Findings of Fact

1. The Department has determined that the project site and project plans meet the standards in s. 30.206, Stats. and ch. NR 320, Wis. Adm. Code., to qualify for this General Permit.
2. The proposed project will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner, if constructed in accordance with this permit.
3. The Department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of Section 30.206, Wis. Stats., and Chapters NR 102, 103, 150, 299, 310 and 320.

Section 8: Conclusions of Law

1. The Department has authority under ch. 30, Wis. Stats., and ch. NR 320, Wis. Adm. Code, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

Section 9: Permit Conditions

1. The permit does not authorize any work other than what is specifically described in the application and plans dated as listed below and as limited by the conditions of the permit. A permittee shall obtain prior written approval of modifications from the department before modifying a project or amending permit conditions.

DATE OF PLANS: ____/____/____

2. The permittee shall notify the department at telephone number listed below before starting construction and again not more than 5 days after the project is complete.

WDNR PHONE NUMBER: (____) ____ - ____

3. The permittee shall post a copy of this permit at a easily observed location on the project site visible from the waterway, beginning at least 5 days prior to construction and remaining at least 5 days after construction. The permittee shall also have a copy of the permit and approved plan available at the project site at all times until the project is complete.

4. Upon reasonable notice, the permittee shall allow access to the project site during reasonable hours to any department employee who is investigating the project's construction, operation, maintenance or permit compliance.

5. The permittee shall complete the project on or before the expiration date listed below. If the project is not completed by the expiration date, the permittee shall submit to the department a written request for an extension prior to the expiration date of the permit. The request shall identify the requested extension date and the reason for the extension. The department may grant a permit extension for good cause shown. The permittee may not begin or continue construction after the original permit expiration date unless the department grants a new permit or permit extension in writing.

PERMIT EXPIRATION DATE: ____/____/____

6. The permittee shall submit a series of photographs to the department within one week of completion of work on the site. The photographs shall be taken from different vantage points and depict all work authorized by the permit.
7. The permittee shall maintain the project in good condition and in compliance with the terms and conditions of the permit, this chapter and s. 30.206, Stats.
8. The department may modify or revoke the permit if the project is not completed according to the terms of the permit or if the department subsequently determines the activity is detrimental to the public interest.
9. Acceptance of a general permit and efforts to begin work on the activity authorized by the general permit signifies that the permittee has read, understood, and agreed to follow all conditions of the general permit.
10. This project shall comply with all conditions identified in Wisconsin Administrative Code NR 320, and identified in the Instructions for the General Permit application.
11. Invasive species decontamination activities shall be performed by taking actions specified in a. to c. or h. Decontamination shall include either d., e., f., g., or h. for any equipment, or portions of equipment, that is used in non-frozen navigable waters when the air temperature is above 19 degrees Fahrenheit at the time the decontamination procedures take place.
 - a. Inspect all equipment used for constructing, operating, or maintaining the project and remove all plants and animals, and other mud, debris, etc.
 - b. Drain all water from equipment used in navigable waters.
 - c. Dispose of plants and animals in the trash. An operator may not transfer plants or animals or water from one navigable waterway to another.
 - d. Wash equipment at a temperature of not less than 212 degrees Fahrenheit water (steam clean).
 - e. Wash equipment with soap and water or high pressure water of not less than 2000 pounds per square inch.
 - f. Allow equipment to dry thoroughly for not less than 5 days.
 - g. Disinfect equipment with 200 parts per million (0.5 ounces per gallon) chlorine for not less than 10 minute contact time. Every effort should be made to keep the disinfection solution and rinse water out of surface waters.
 - h. Follow the most recent department approved disinfection protocols or department approved best management practices for infested waters. The department shall maintain on its website and make available at its offices a list of the most recent disinfection protocols or department approved best management practices for invasive species and viruses.

THIS PERMIT APPLICATION IS APPROVED WHEN IT IS SIGNED AND DATED BELOW BY AN AUTHORIZED DEPARTMENT OF NATURAL RESOURCES EMPLOYEE.

DEPARTMENT OF NATURAL RESOURCES USE ONLY					
Date Application Received		Docket Number		Date Application Completed	
				Fee Received	
				\$	
NHI Checked?	Archaeological & Historic Checked?	ASNRI?	PRF?	PNW?	Wetlands?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
State of Wisconsin Department of Natural Resources for the Secretary Issued by		Signature			Date Signed
		Print Name		Title	

From: alan heth [mailto:alanheth@yahoo.com]

Sent: Friday, April 30, 2010 4:28 PM

To: Bruce Parker

Subject: Caldwell 25' bridge

8

Bruce,

We received the notice about Jim Caldwell's application for a bridge.

As neighbors we have no objections plus knowing that Jim does build with quality in mind we support his permit application.

Alan & Rhonda Heth

Please forward a copy to Mr Caldwell and the Plan Commission

STATE OF WISCONSIN

CITY OF WHITEWATER

WALWORTH & JEFFERSON
COUNTIES

Notices to Property Owners within 300 ft.

In the matter of:

Plan Commission to hold a public hearing for consideration of a C.U.P. application for a proposed 25' clear span bridge to cross the creek on the property located at 1671 S. Pearson Lane for Jim Caldwell.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS
COUNTY OF JEFFERSON)

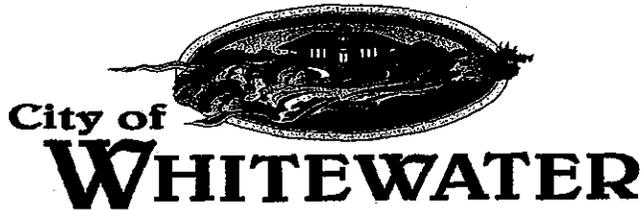
Jane E. Wegner, being first duly sworn on oath, deposes and says that on the 26th day of April, 2010, (s)he deposited in the outgoing mail for the City of Whitewater, Walworth & Jefferson Counties, Wisconsin, a true copy of the attached notice, securely enclosed in an envelope, with postage prepaid thereon, to the following named, at the address stated:

SEE LIST ATTACHED

Jane E. Wegner
Jane E. Wegner
Plan Commission Clerk

Subscribed and sworn to before
me this 26 day of
April, 2010

Michelle Smith
NOTARY PUBLIC, State of Wisconsin
My commission expires: 6-13-10



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. to hold a public hearing for the consideration of a conditional use permit application for a proposed 25 foot clear span bridge to cross the creek on the property located at 1621 S. Pearson Lane for Jim Caldwell.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540


Bruce Parker, Zoning Administrator

A-3002-2
CINEMAS OF WHITEWATER
LLC
O BOX 298
WHITEWATER WI 53190

GR-1,5,6,7,8,9,10,11
SCOTT G EHLERT
291 S COBURN LANE
WHITEWATER WI 53190

GR-4
MICHAEL C DAVENPORT
POK YE DAVENPORT
1641 W PEARSON COURT
WHITEWATER WI 53190

WUP-346
EMERALD RIDGE DEVELOPERS
LLC
101 AGNES CT
MOUNT HOREB WI 53572

PAM SCHENSE
STATE OF WISCONSIN
DEPT OF NATURAL RESOURCES
141 NW BARSTOW ST ROOM 180
WAUKESHA WI 53188

MICHELE SCHNEIDER
STATE OF WISCONSIN
DEPT OF NATURAL RESOURCES
141 NW BARSTOW ST ROOM 180
WAUKESHA WI 53188

A-3146-1
CAPITAL BELL LLC
P O BOX 44507
MADISON WI 53744

GR-2
JAMES K CALDWELL
235 S ARDMORE DRIVE
WHITEWATER WI 53190

WUP-160D4
ALAN HETH
1321 ARMAGH LANE
SUN PRAIRIE WI 53590

A-3146-2,A3277-1
ROY K PEARSON TRUST
DOLORES STONE 1/8 INTEREST
1372 SHEFIELD DR
ELGIN IL 60123

GR-3
KURT J KETTERHAGEN
KRISTEN J KETTERHAGEN
1631 S PEARSON COURT
WHITEWATER WI 53190

WUP-332
GEOFFRY R HALE
JACQUELINE A HALE
599 S FRANKLIN ST
WHITEWATER WI 53190

9



City of
WHITEWATER

Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
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NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 10th day of May, 2010 at 6:00 p.m. to hold a public hearing for the 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.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Bruce Parker, Zoning Administrator

WUP-240

DALE N STETTLER TRUST

GAYLE M STETTLER TRUST

P O BOX 657

WHITEWATER WI 53190

City of Whitewater
Application for Conditional Use Permit

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: WHITewater DELTA CHI HOUSING CORPORATION
Applicant's Address: 120 RICHTER CT, TWIN LAKES, WI 53181
Phone # 262-210-2611

Owner of Site, according to current property tax records (as of the date of the application):
WHITewater DELTA CHI HOUSING CORPORATION

Street address of property: 707 W. MAIN ST.

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
SEE ATTACHED SURVEY FOR PARCEL (1WUP 00236)

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: DAVID COX, AGENT

Name of Firm: WHITewater DELTA CHI HOUSING CORPORATION

Office Address: 120 RICHTER CT
TWIN LAKES, WI 53181 Phone: 262-210-2611

Name of Contractor:

Has either the applicant or the owner had any variances issued to them, on any property? YES NO

If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: MULTI-FAMILY STUDENT HOUSING UNDER CONDITIONAL
USE ISSUED IN 1988

Current Land Use:

Accessory or Secondary Uses: NONE

Proposed Use (Describe need for conditional use):
REQUEST PERMISSION FOR A PERMITTED ACCESSORY
STRUCTURE (SHED) AND PERMITTED SIGNS.

No. of occupants proposed to be accommodated: NO CHANGE

No. of employees: NONE

Zoning District in which property is located: R-3

Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located: PRIMARY USE - 19.21.030 ACCESSORY / SIGNS - NONE

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
<p>A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces value of other property.</p>	<p align="center"><i>SEE ATTACHED LETTER</i></p>
<p>B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.</p>	<p align="center">"</p>
<p>C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.</p>	<p align="center">"</p>
<p>D. That the conditional use conforms to the purpose and intent of the City Master Plan.</p>	<p align="center">"</p>

AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

DAVID E. COX, the applicant/petitioner for
(Owner's Name): WHITENATER DECORCHI #2 dated: 4/10/10
Phone # 262-210-2611, tax key #(s) 1WUP 00236

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 10 day of APRIL, 2010

[Signature] (Signature of Applicant/Petitioner)

DAVID E COX (Printed Name of Applicant/Petitioner)

[Signature] AGENT (Signature of Owner of Property & Date Signed)

DAVID E COX (Printed Name of Owner of Property)

Whitewater Delta Chi Housing Corporation
Application for Permission to Install a
Shed and Signage in Connection with A
Conditional Use
April 10, 2010

The Whitewater Delta Chi Housing Corporation (Corporation) respectfully requests permission to install a storage shed and reinstall signage in connection with a previously-issued Conditional Use Permit to use the Corporation-owned property at 707 West Main Street as a Fraternity House. The Corporation, which is a private Non-Profit Corporation established under Section 501 (c) (7) of the IRS Code, has owned this property since 1988. Upon issuance of the Conditional Use Permit, the property housed student members of the Delta Chi Fraternity. During a short time period ending in June 2009, members of the Fraternity were not housed in the property and the Fraternity-related signage was removed. Now that the Fraternity is actively using the house, we desire to restore appropriate signage. Further, as a means to remove lawn equipment and related fuels out of the house and to provide secure storage for these items, the Corporation seeks permission to install a shed on the property.

The Corporation has no plans to undertake any expansion of the primary structure on the property and has completed a significant investment in the rehabilitation of the property. The rehabilitation included exterior work to replace all windows as well as deteriorated wood on the porches that resulted in a near complete rebuild of both porches. The Corporation has painted the house in historically accurate colors after consulting with both the Whitewater Historical Society and an outside historic color consultant. Inside work has included reconfiguring of the kitchen to move water pipes off the outside wall and to improve the kitchen's layout, removal of loft structures built in a number of the rooms, replacement of the HVAC system and other general maintenance and painting.

The proposed shed will be located in the rear of the property on the asphalt parking area but will not reduce the number of parking spaces needed to address the parking needs of our residents. Further, the shed will be painted in the same primary colors as the house in the upcoming weeks.

The current landscaping, which was installed and maintained as part of the 1988 Conditional Use, will generally remain as is with one exception. Screening of the west side parking area will consist of placement of new arborvitae to supplement the existing arborvitae in this area.

In addition to the shed, Corporation proposes to reinstall various identification signs related to the Fraternity. Specifically, the Corporation seeks permission to install three signs as described below. The specific sizes of these proposed signs are shown in the attached material. The proposed signs are:

1. A monument yard sign depicting the Fraternity's crest.
2. The Greek letters "ΔΧ" as a wall sign on the second floor.
3. A sign with the words "Delta Chi Fraternity" over the front entrance door.

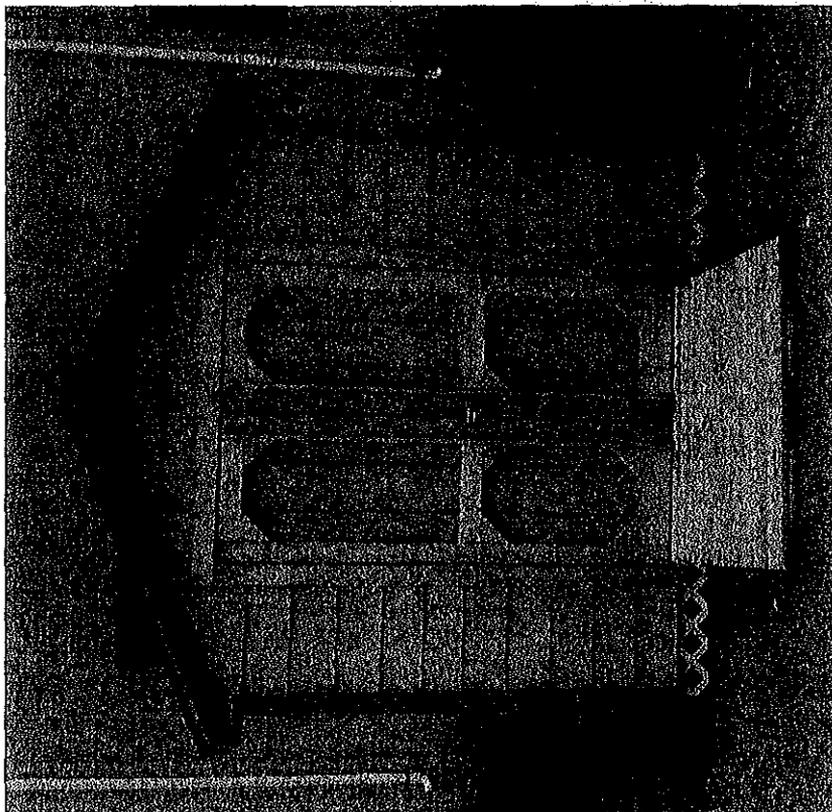
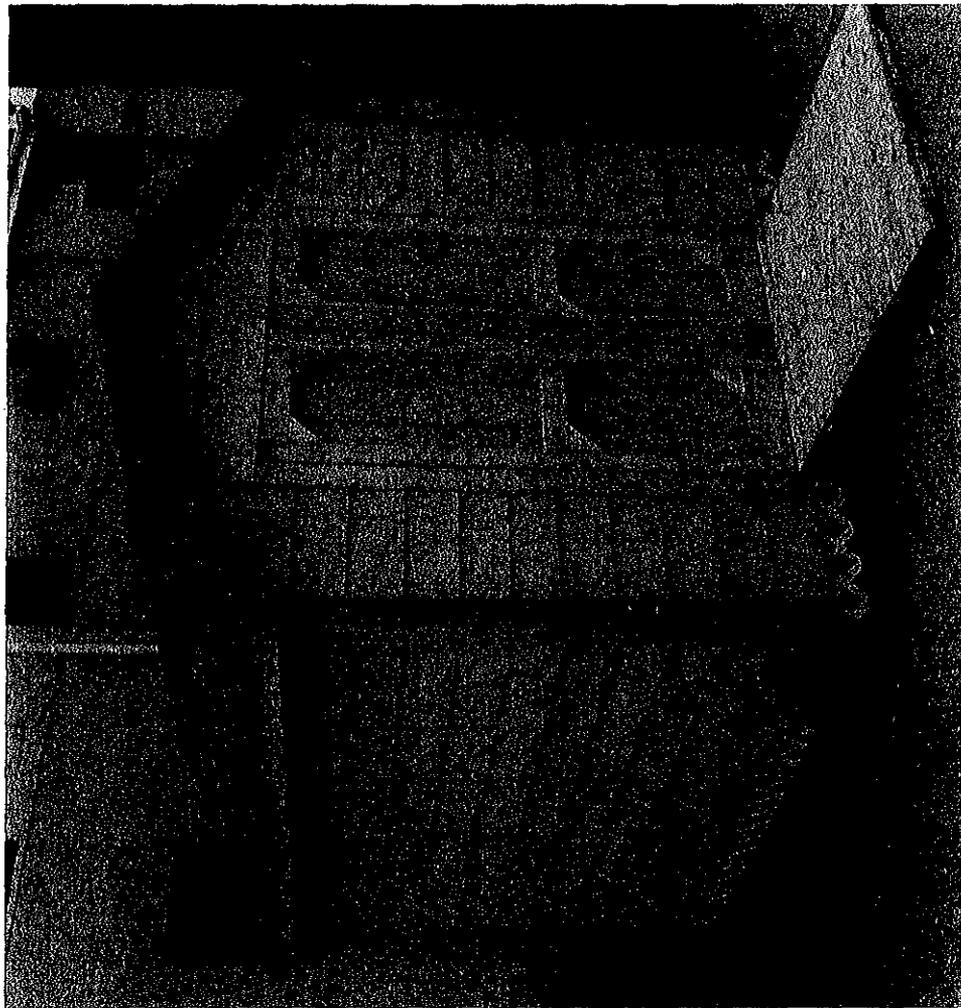
Application Responses – Standards of Conditional Use

- A. *That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces the value of other property:* The proposed shed and sign are accessory to the existing use, which has existed at the property for more than two decades. The property is surrounded by similar uses (multi family/student housing) and is across the street from an identical use (sorority house). The addition of a storage shed will help ensure a clean appearance of the property leading to continued strong values for all adjoining properties. The proposed signs are similar to signs that exist at adjacent properties and will not negatively impact the area.
- B. *That utilities, access roads, parking, drainage, landscaping, and other site improvements are being provided:* All utilities, access roads, parking and drainage are existing on the property and in the area and continue to be adequate for this use. Aside from the aforementioned replacement landscaping, no other site improvements are being made.
- C. *That the Conditional Use conforms to all applicable regulations of the District in which it is located, unless otherwise specifically exempted in this Ordinance:* Based on review of the site with Whitewater City Staff, it appears that all of the requirements of the Code are met except the rear yard set back for the primary structure. Under Section 19.21.060 of the Whitewater City Zoning Code, the rear yard set back requirement is 30 feet. The existing house is set approximately 15 feet from the rear lot line, which is an existing condition. The proposed shed and signs will conform to the requirements of the City Code.
- D. *That the Conditional Use conforms to the purpose and intent of the City Master Plan:* The primary use conforms to the City's Master Plan, which, as we understand it, suggests multi family university-oriented housing in this area.

Whitewater Delta Chi Housing Corporation

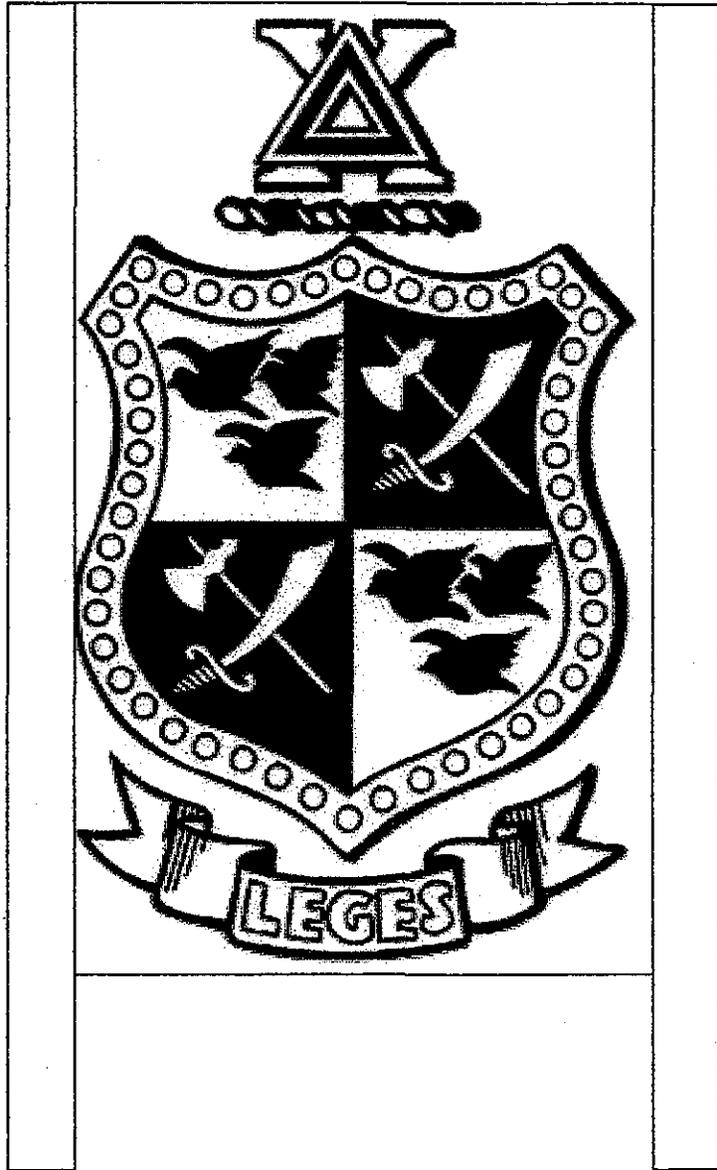
Proposed Shed

Unfinished - In Temporary Location



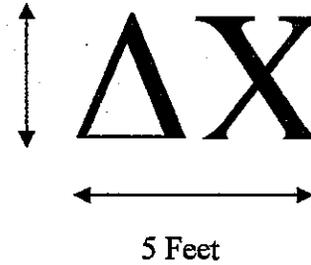
Yard Sign

4 Feet



Proposed Yard and Wall Signs
Delta Chi Fraternity House
707 West Main Street

Wall Sign



8 Feet
(Max.)

3 Feet

5 Feet

Door Sign

DELTA CHI FRATERNITY

10 inc

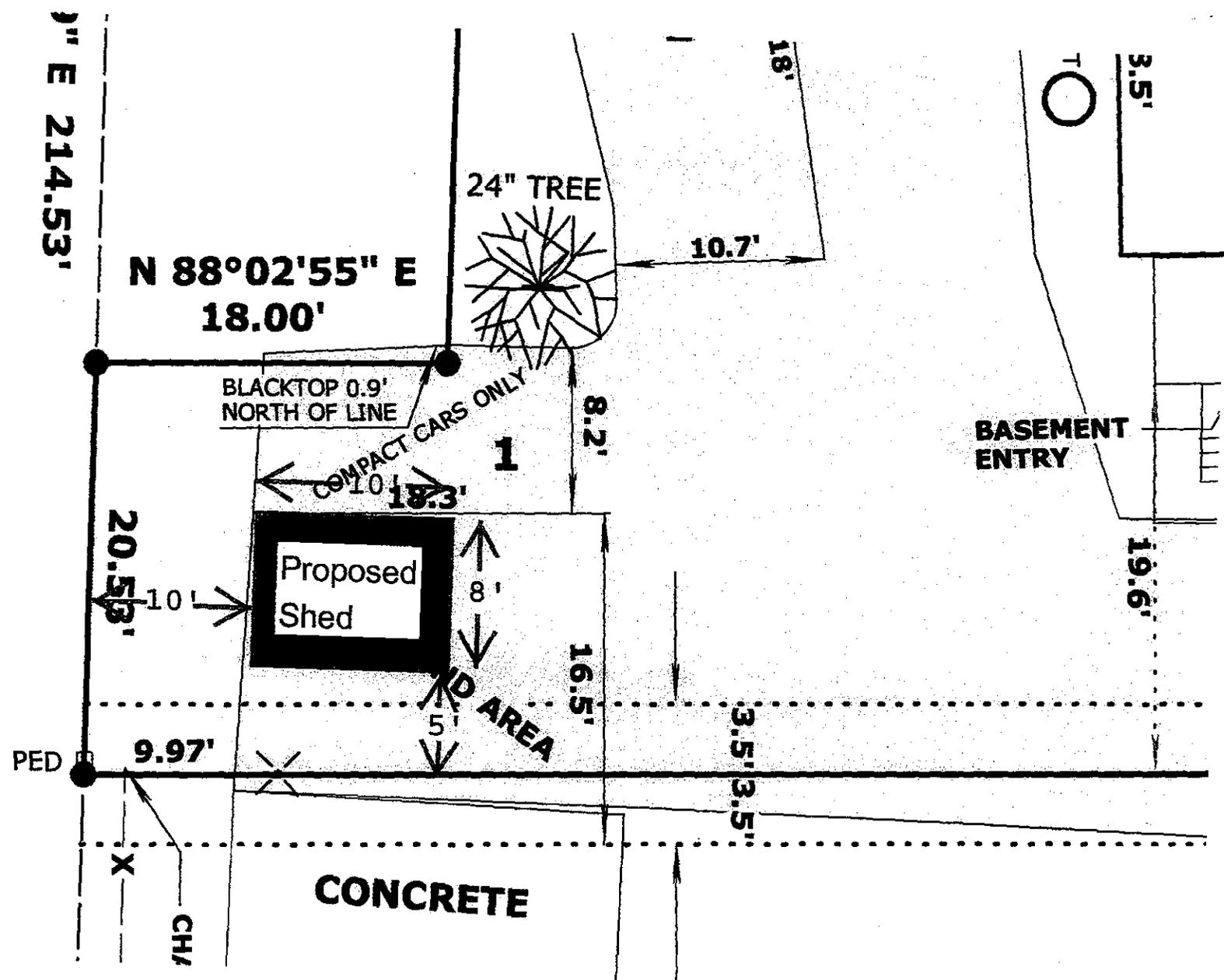
72 inches

Whitewater Delta Chi Housing Corporation
Proposed Sign Locations



111

BUILDING



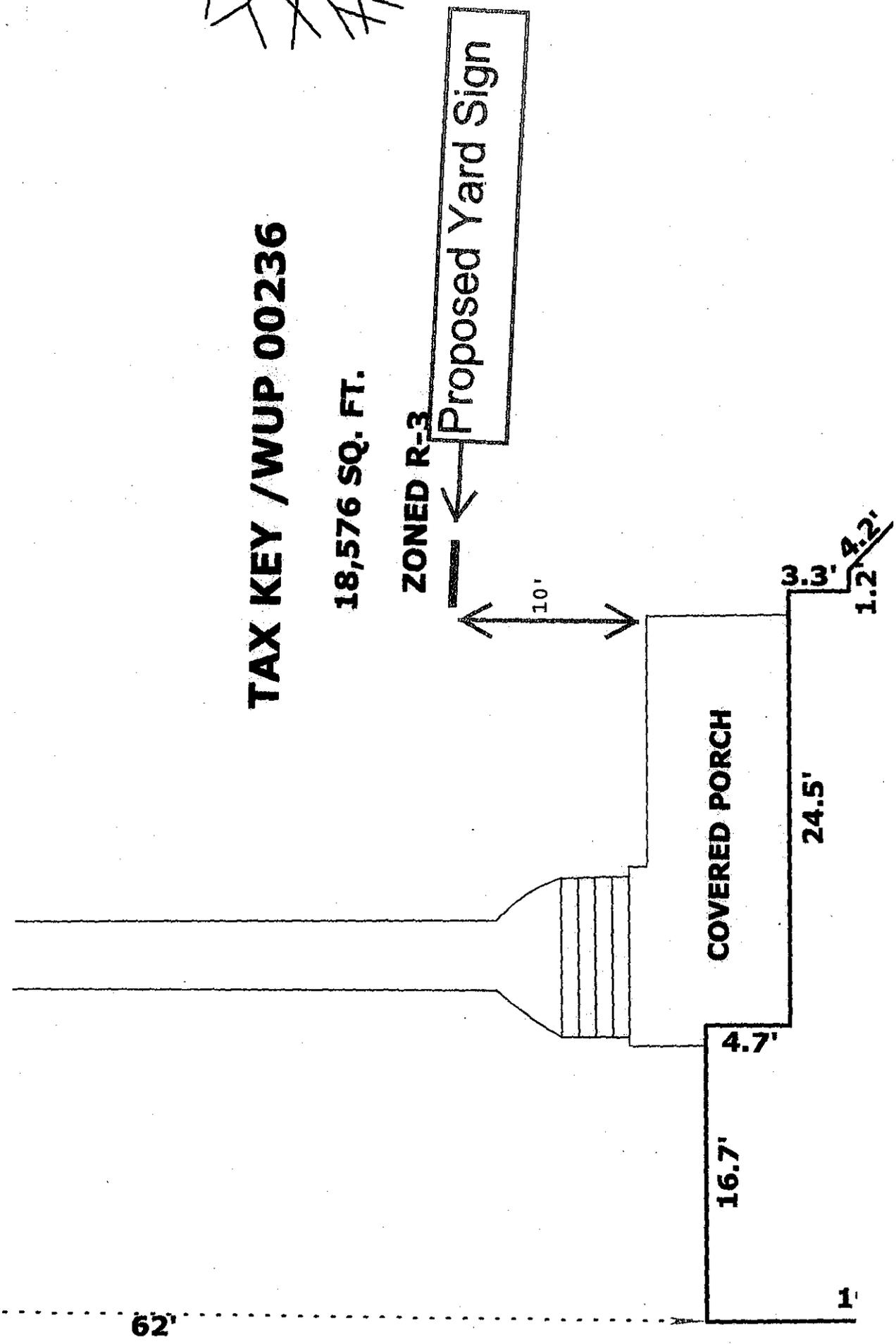
Handwritten scribbles at the top of the page.

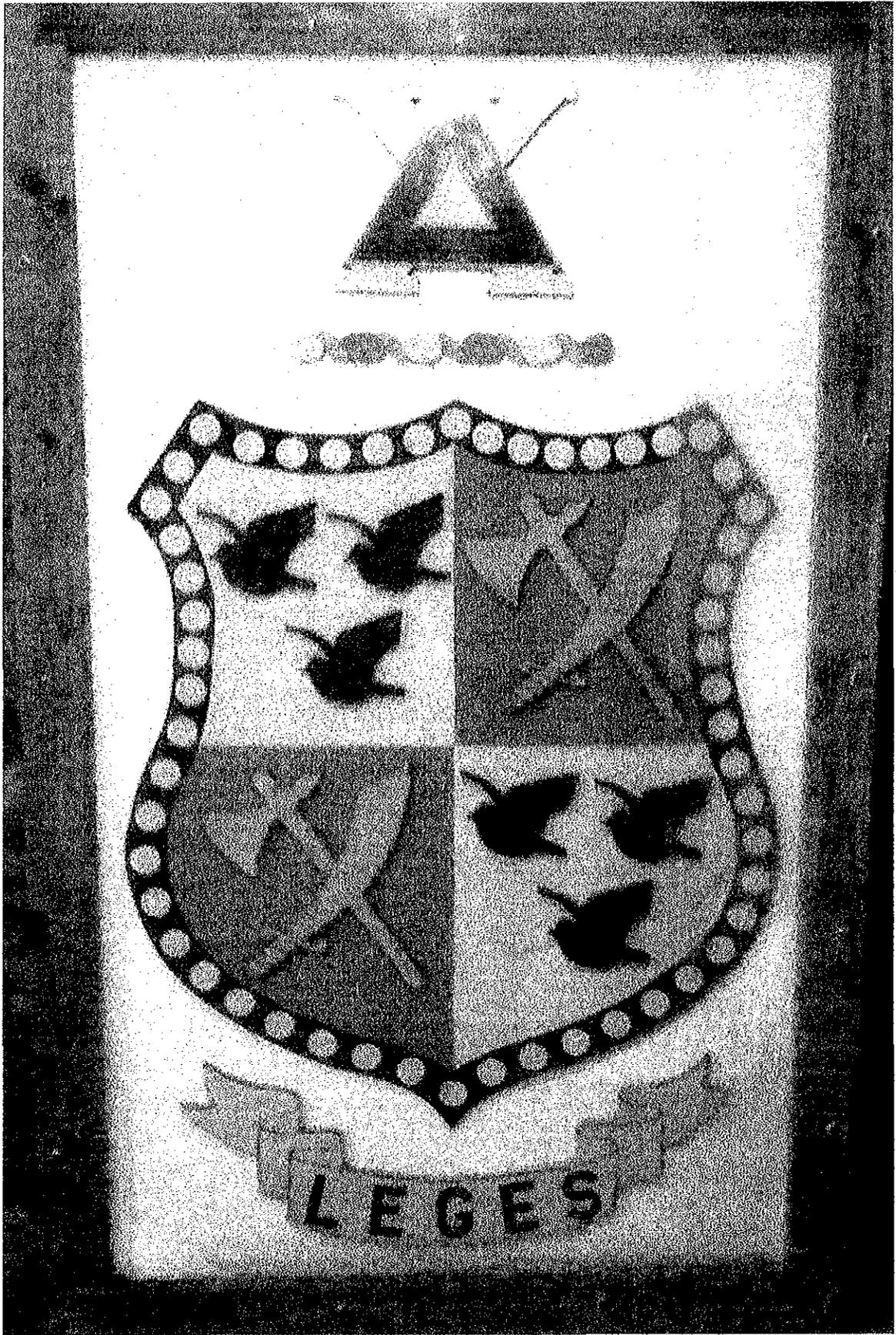
TAX KEY / WUP 00236

18,576 SQ. FT.

ZONED R-3

Proposed Yard Sign







VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission
 From: Mark Roffers and Megan MacGlashan, AICP, City Planning Consultants
 Date: May 4, 2010
 Re: 707 W. Main Street, Requested amendments to a conditional use permit to install a shed and three signs for the existing Delta Chi fraternity house.

Summary of Request

The applicant, Delta Chi Housing Corp., is seeking a conditional use permit amendment to construct a shed in the rear yard of the existing fraternity house located at 707 W. Main Street, and install three new signs identifying the fraternity. The property is zoned R-3, Multi-Family Residence. Within this district, fraternity and sorority houses are conditional uses. No interior or exterior changes are proposed for the principal building other than the installation of the signage.

Analysis

1. The City's zoning ordinance includes 5 standards that must be met prior to the granting of any conditional use permit. The applicant has addressed each of the standards directly as part of its application and letter dated April 10, 2010, and it is our opinion that the requested conditional use will meet these standards. The accessory structure and signage is generally compatible with the surrounding neighborhood (see additional detail on this below) and will not negatively impact the value of surrounding properties; the proposal conforms to all R-3 district regulations, with the exception of all of the proposed signage (see below); adequate access, parking, landscaping, and utilities would be provided; and the proposed use conforms to the City's Comprehensive Plan (also see below).
2. We believe this is an appropriate site in the City for student housing of different types, including fraternity houses. The property is zoned R-3 and is located across the street from the University campus. The property is surrounded to the west, south, and east by multi-family housing. In recent years, significant improvements have been made to this building, and it has been maintained as a very attractive property to have on Main Street. The applicant is proposing to paint the shed in colors that will match the exterior of the main house.
3. The shed meets all rear yard setback requirements. It will be located on the already-paved area of the parking lot, but will not take up any of the existing parking spaces.
4. The applicant is proposing to install additional arborvitae (screening evergreen trees) north of parking stalls that extend into the western side yard to fill in the gaps between the trees that are already there. We feel this will better screen the area of the parking lot in the general area where

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
 611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •
 414.732.2035 Fax
www.vandewalle.com

the shed will be located, as well as the parking area. The trees should be a minimum of four feet tall at the time in installation, per the City's landscaping guidelines.

5. The applicant is proposing to install three signs: two wall signs and one freestanding monument sign in the front yard. The monument sign meets the City's dimensional requirements. The applicant is proposing to externally light the sign, which we feel is acceptable given that the sign is located on Main Street. All lighting should be shielded, fully directed to the sign, and installed by a licensed electrician.

The two proposed wall signs do not meet the City's signage requirements. Section 19.54.040F of the City's Municipal Code states that "For all institutional uses permitted in residential districts, sign sizes and types shall be the same as those applicable in the I Institutional zoning district per Section 19.54.052, except that pylon signs shall not be permitted." Within the Institutional zoning district, one wall or window sign is permitted. In this case, the sign hanging over the entrance would be considered a wall sign. In addition, signage may be located no higher than the first floor area of the building. One of the signs is being proposed for the second floor wall of the house. To address these issues, we recommend the applicant remove the second wall sign located between the two second story windows, or combine the proposed two signs into one sign that includes both the logo (Greek lettering) and the name of the fraternity.

Recommendation

Pending comments at the public hearing, we recommend 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:

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. Prior to the issuance of a sign permit, the applicant shall revise and resubmit for City staff approval the sheet titled Proposed Yard and Wall Signs and the sheet titled Proposed Sign Locations to indicate a wall sign number and 1st floor area position that fully complies with the City's sign ordinance, unless a variance for signage is applied for and obtained.
4. All lighting associated with the freestanding sign shall be shielded, directed upon the sign only, and installed by a licensed electrician.

* Minor modifications to the wall signage can be made subject to approval by the Zoning Administrator

5/5/2010



2

STATE OF WISCONSIN

CITY OF WHITEWATER

WALWORTH & JEFFERSON
COUNTIES

Notices to Property Owners Within 300 ft
In the matter of:

Plan Commission to hold a public hearing on May 10, 2010, for the consideration of an amendment to the conditional use permit to allow for an accessory structure (shed) and a free standing sign at 707 W. Main St. for Whitewater Street for Whitewater Delta Chi Fraternity Housing Corporation.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS
COUNTY OF JEFFERSON)

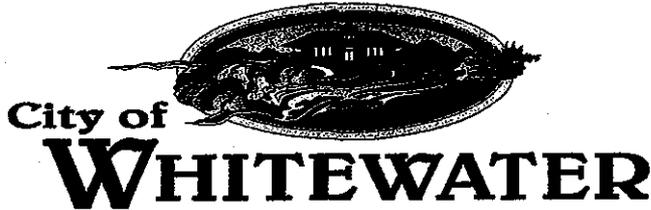
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SEE LIST ATTACHED

Jane E. Wegner
Jane E. Wegner
Plan Commission Clerk

Subscribed and sworn to before
me this 26 day of
April, 2010

Michelle Smith
NOTARY PUBLIC, State of Wisconsin
My commission expires: 6-13-10



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

NOTICE OF PUBLIC HEARING

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The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



Bruce Parker, Zoning Administrator

CL-8
HIRD RENTAL PROPERTIES LLC
C/O CHRISTOPHER C HIRD
'925 W RAWSON AVENUE
. RANKLIN WI 53132

CL-14
MAIN STREET WHITEWATER
LLC
W9597 BREIDSAN HILLS DR
WHITEWATER WI 53190

CL-18
KACHEL 150 SOUTH PRAIRIE
LLC
P O BOX 239
WHITEWATER WI 53190

FJ-24
DELTA ZETA SORORITY
604 W MAIN ST
WHITEWATER WI 53190

WUP-102
JERALD WENDT
NANCY WENDT
622 W MAIN ST
WHITEWATER WI 53190

WUP-114
JOHN B COLEMAN
201 S 21ST STREET
LA CROSSE WI 54601

WUP-229
UW-WHITEWATER
FOUNDATION INC
800 W MAIN ST
WHITEWATER WI 53190

WUP-231A
DLK ENTERPRISES INC

WUP-234
DLK ENTERPRISES INC

WUP-237
MARGARET A REED TRUST
703 E MILWAUKEE ST
JANESVILLE WI 53545

CL-9
WHITEWATER ESTATES LTD
N713 COUNTY RD N
WHITEWATER WI 53190

CL-15
FRED M CERKONEY
SUSAN L CERKONEY
724 W CENTER ST
WHITEWATER WI 53190

CL-19, 19A,
DLK ENTERPRISES INC
P O BOX 239
WHITEWATER WI 53190

FJ-25
ADRIAN BAICA
MALVINA F BAICA
122 N ESTERLY AVE
WHITEWATER WI 53190

WUP-103
LADWIG & VOS INC
140 LONGMEADOW DR
WHITEWATER WI 53190

WUP-115,116,117,118
UW-WHITEWATER
PLANNING DEPT
800 W MAIN ST
WHITEWATER WI 53190

WUP-230
DLK FARM SERVICE
P O BOX 239
WHITEWATER WI 53190

WUP-232
D & R PARTNERSHIP LLC
P O BOX 266
WHITEWATER WI 53190

WUP-236
WHITEWATER DELTA CHI
HOUSING CORP
707 W MAIN ST
WHITEWATER WI 53190

WUP-238
KACHEL 619 WEST MAIN LLC
P O BOX 239
WHITEWATER WI 53190

CL-10
FIRST UNITED METHODIST
CHURCH
145 S PRAIRIE ST
WHITEWATER WI 53190

CL-16, WUP-104,235
JAMES D UHRICH
BRADLEY D LOWREY
W7535 BLUFF ROAD
WHITEWATER WI 53190

CL-20
DLK 136 SOUTH COTTAGE LLC
P O BOX 239
WHITEWATER WI 53190

WUP-101
RICHARD W LANDSEE
ROBERT A LANDSEE
614 W MAIN ST
WHITEWATER WI 53190

WUP-113
BASSETT HOUSE
708 W MAIN ST
WHITEWATER WI 53190

WUP-227
DLK ENTERPRISES INC

WUP-231
DLK ENTERPRISES INC

WUP-233
DLK ENTERPRISES INC

WHITEWATER DELTA CHI
HOUSING CORP
120 RICHTER CT
TWIN LAKES WI 53181

WUP-239
DLK ENTERPRISES INC

WUP-240

DALE N STETTLER TRUST

GAYLE M STETTLER TRUST

O BOX 657

WHITEWATER WI 53190

#10

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Offices also in:
Lake Geneva

May 7, 2010

MEMO

TO: PLAN COMMISSION

The Plan Commission will hold a public hearing on May 10, 2010, on a proposed zoning ordinance amendment that would allow the City Council the option to impose a Zoning Overlay District designation on property zoned residential in the City of Whitewater. The R-O zoning classification would impose an additional restriction (no more than 2 unrelated residents in any single residential unit) on the area and that restriction would be in addition to the basic requirements for the zoning designation on the property. It is important to note that the zoning ordinance amendment which is before the Plan Commission on May 10, 2010, does not seek to impose the R-O zoning designation on any particular property at this time. Rather, it will provide the Council with the power to impose it on property in the future. The procedure for imposing the classification on any particular property will be the same as any other zoning amendment request. All property owners whose property would be subjected to the ordinance amendment would be notified, as well as owners of record within 300 feet. The Plan Commission would hold a public hearing concerning the proposed designation and make a recommendation to the City Council as to whether or not it should be imposed. The City Council then would consider the matter and decide whether or not to impose the R-O zoning designation on any particular property.

I have enclosed a copy of my legal opinion concerning this proposed amendment.

Wallace K. McDonell

Enclosure



March 12, 2010

To: Common Council of the City of Whitewater

Dear Council:

You will be reviewing a Residential Overlay ordinance on March 16, 2010, that allows the City to place special zoning on any residential area in the city that limits the number of unrelated persons who can reside in a single-family residential unit to no more than 2. Because this type of regulation has been challenged by landowners in various states around the country, I am providing my opinion as to the legality of the proposed ordinance.

SHORT ANSWER

It is my opinion that the "2 unrelated" restriction in the proposed residential overlay ordinance would be upheld if it is challenged in court.

There has not been a published decision in Wisconsin ruling on this issue. However, many municipalities throughout the United States have ordinances similar to Whitewater's proposed overlay district zoning. There have been numerous lawsuits filed by landowners requesting that the regulations be invalidated. I have researched the case law throughout the country extensively and found that the great majority of courts considering similar ordinances have found them to be valid. I have attached the case of *Ames Rental Property Association v. City of Ames*, 736 NW 2d 255, which is one of the more recent decisions upholding a similar restriction. (Copy attached.) In that case, the court withheld an ordinance which included a limitation on no more than 3 unrelated people residing in a single dwelling unit. The court ruled that the ordinance was rationally related to the government's interest in providing quiet neighborhoods, and therefore did not offend the Equal Protection Clause of either the Iowa Constitution or the United States Constitution. I also rely heavily on the United States Supreme Court case, *Village of Belle Terre v. Borass*, 416 U.S. 1, 1974, that upheld a zoning ordinance that limited single-family homes to no more than 2 unrelated persons. (Copy attached.)

If you have any questions in regard to this issue, feel free to contact me at any time.

Wallace K. McDonell

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan and Architectural Review Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider 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.

The proposed ordinance amendment is on file in the office of the City Clerk and the document is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

NOTICE IS FURTHER GIVEN that the Plan and Architectural Review Commission of the City of Whitewater will hold a public hearing at the Municipal Building Community Room in said City, on Monday, May 10, 2010, at 6:00 p.m. to hear any person for or against said change.

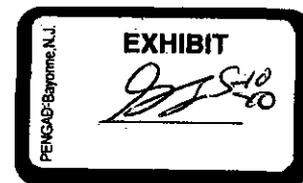
Dated: April 16, 2010

Publish: April 22, 2010 and April 29, 2010 (two times)
in the Whitewater Register

Michele Smith, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CREATING CHAPTER 19.25
R-O NON-FAMILY RESIDENTIAL
OVERLAY DISTRICT**



The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do hereby ordain as follows:

SECTION 1: Whitewater Municipal Code, Chapter 19.25, R-O Non-family Residential Overlay District, is hereby created to read as follows:

19.25.010 – Purpose and Intent.

The purpose and intent of the Non-Family Residential Overlay District is to stabilize and protect property values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low density single family residential areas, in particular, areas where due to economic factors and housing pressure in the immediate area, there is the potential for the reduction of family occupied residences, and therefore the loss of the single family character of the neighborhood which will potentially lead to overcrowding, undue population concentration and lower property values.

19.25.020 - Overlay District Application. The restrictions set forth herein are in addition to the restrictions and requirements of the basic district applicable to a particular site. To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply.

19.25.030 – Non-Family Residential Overlay District Additional Restrictions. In all Non-Family Residential Overlay Districts, the non-family household limitation set forth in Whitewater Municipal Ordinance 19.09.520 is reduced from 3 to 2. Therefore, in any Non-Family Residential Overlay District a non-family household shall be limited to 2 unrelated persons.

19.25.040 – Exceptions. This limitation shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and, in particular, those allowed under Wisconsin Statute §62.23.

19.25.050 – Registration. The owner of any property claiming non-conforming use status regarding the unrelated persons limitation imposed by R-O zoning shall register with the City Clerk on a form provided by the Clerk within sixty (60) days of the imposition of the zoning on the property. The information required on the registration form shall include the history of the property that supports its designation as a non-conforming use; the names and dates of residency of current tenants, and the names and dates of residency of all tenants who resided at the premises for the last two years. The party claiming the non-conforming use status shall also have a continuing requirement to update the registration information to provide the names of

current tenants. Failure to register within sixty (60) days shall cause the non-conforming use to terminate. The City shall mail a notice of this requirement to the address on the property's real estate tax statement within fifteen (15) days of the imposition of the zoning on the property.

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk



VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission
 From: Mark Roffers and Megan MacGlashan, AICP, City Planning Consultants
 Date: May 5, 2010
 Re: Review and Potential Adoption of Revised Landscaping Guidelines

In 2005, the City Plan and Architectural Review Commission adopted a set of Landscaping Guidelines. These guidelines were an effort to provide people interested in developing land a sense of the City's expectations for landscaping their properties. The adopted guidelines cover:

- What to include on a landscape plan
- How to address existing vegetation already on the development site
- Where new landscaping should be planted
- How much additional landscaping of different types might be expected
- What types of plant species may be appropriate for different settings
- What are the general standards for installation and maintenance of landscaping

The guidelines were revised once in 2006. They have been in place and successfully utilized for the past five years. Over that time, we have observed a general increase in the quality of landscape plans that have been submitted to the City for new building projects.

Within the last few months, the Commission has asked for an opportunity to revisit and potentially revise the guidelines to serve as an even better and more up-to-date guide. The Commission had the opportunity to review a first draft of the proposed revisions at its February meeting. Based on some suggestions from commissioners and staff, attached please find a second revised version of the Landscape Guidelines with potential changes underlined. The most substantive of the proposed changes are as follows:

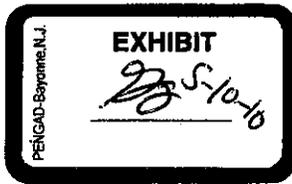
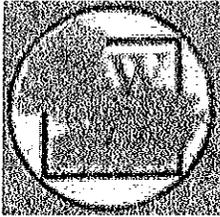
- Inclusion of better standards for the preservation of existing mature trees during site development (see "Treatment of Existing Vegetation" section).
- Additional details/definitions on what a berm is and what acceptable fence heights might be within landscape bufferyards and for screening purposes.
- Efforts to clarify and enhance the "Appropriate Plant Species and Sizes" table (Figure 3) to encourage more variety in plantings.

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 611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •
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- Inclusion of additional tables to indicate plants appropriate for placement under power lines, for screening purposes, and for salty conditions; and to indicate species that should be minimized or not used for various reasons.
- Inclusion of an explanation and standards for rain gardens and bioswales.
- References to other resources (e.g., UW-Extension publications) that can help in plant selection and landscape feature design.
- Inclusion of a new graphic showing proper tree planting and maintenance techniques.

Recommendation

Pending further discussion and desired changes, we recommend that the Plan and Architectural Review Commission approve the proposed amendments to the Landscaping Guidelines and re-adopt the Guidelines as amended. We will then format the revised guidelines for improved readability and distribution.



City of Whitewater Landscaping Guidelines

The Plan and Architectural Review Commission reviews site and landscape plans for all new and expanded commercial, industrial, institutional, and multiple family housing projects. Landscaping beautifies the property and city, buffers uses and unattractive structures, increases property values, conserves energy, and helps clean the air and water. The Commission adopted the following guidelines to assist developers, builders, and land property owners understand in meeting the expectations for landscaping. The ~~occasional~~ use of the term "must" below reflects zoning ordinance requirements that are mandatory.

Required Components of a Landscape Plan

- A scale (e.g., 1 inch = 50 feet), a north arrow, a date, and an accurate representation of site conditions (e.g., property dimensions should be correct with all features drawn to scale).
- All areas to be left in green space and how they will be covered (e.g., grass, ~~cedar~~ mulch, native vegetation).
- All trees over 4" caliper to be removed or portions of woods with such trees that are proposed for removal.
- All existing trees that are over 4 inches caliper in diameter or the edges of woods with such trees.
- All existing trees and other plantings proposed to remain on the site after construction, including proposed locations for barrier fencing or other ways to ensure their preservation.
- Locations, species, size at time of planting, and size at maturity for proposed landscape plants.
- Adjacent streets, existing and proposed buildings, parking lots, loading areas, dumpsters, existing or proposed grades, outdoor storage areas, and mechanical units and utilities in relation to proposed plantings.
- Name, address, and phone number of both the person that who prepared the plan and the land property owner.

For simple projects, the Landscape Plan may be included on a map that also shows other proposed site improvements, like proposed buildings, signs, lighting, utilities, and grading.

Treatment of Existing Vegetation

Pre-existing landforms, terrain, and vegetation should be preserved as much as practical. This may be achieved by minimizing building construction and site modifications in areas not essential to project development. High-quality, mature, and native trees and hedges should be retained where practical and should not be removed to facilitate commercial signage. Preservation of existing vegetation will reduce expectations for new landscaping, while major removal of existing vegetation may result in expectations for new landscaping greater than what these guidelines normally suggest. In general, where large, high quality trees are proposed for removal on a landscape plan, the equivalent diameter of new trees should also be included in the plan (e.g., one maple with a 12-inch diameter trunk removed = planting of four 3-inch diameter hardwood canopy trees). Similarly mature trees identified for preservation in the approved Landscape Plan but subsequently lost should be replaced by new trees of similar total diameter.

Mature trees identified for preservation on a Landscape Plan should be protected during construction by not allowing grading or equipment or vehicle storage in these areas and by making all contractors aware of preservation requirements. During construction, barrier fencing should generally be placed under the drip line (outer limits of branches) of the tree, at a minimum at the critical root zone (CRZ) of the tree, as defined as a radius equivalent to 1.5 feet for every inch in trunk diameter at breast height (DBH). For example, a tree with a trunk diameter of 12 inches has a critical root zone radius of 18 feet.

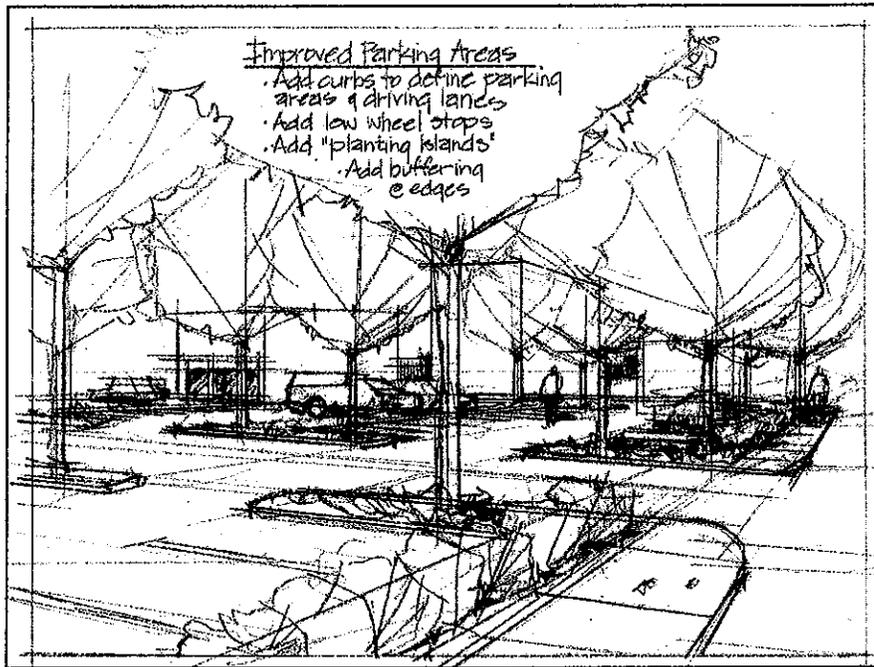
~~Mature trees that were identified for preservation in the Landscape Plan but are subsequently lost should be replaced by new trees of similar total diameter.~~ The City's Forestry Guide and Specifications Manual—available from the City's Parks, Recreation, and Forestry Department—contains additional preservation guidance (see particularly the City's Terrace Tree Protection guidelines).

Recommended Locations and Amount of New Landscaping

New landscape plantings should be provided on different parts of the site, as advised below:

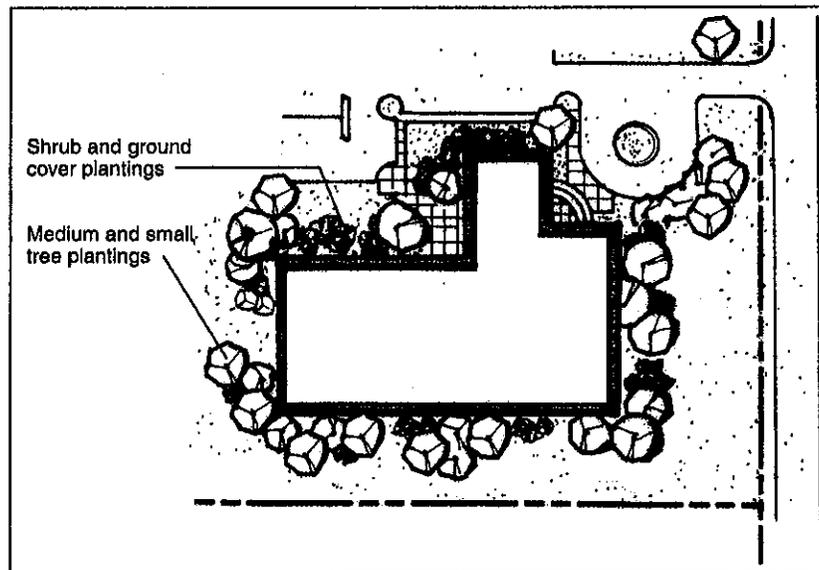
1. **Street Frontages.** One deciduous tree must be planted for each 35 feet along each side of a street right-of-way, except where a clustered or wider spacing is allowed by the City Forester or where traffic visibility, street lights, or utilities would be negatively affected. Street trees should be planted midway between the street curb and the sidewalk, or within 15 feet of the property line adjoining the street, but only if space is not available between the sidewalk and curb. Plantings may also be appropriate in any boulevard included in development plans. Street tree species should be approved by the City Forester prior to installation, and should be based generally upon the information provided in Figures 3 and 4 below.
2. **Paved Areas.** One large deciduous tree and 60 points of additional landscaping (see table Figure 3: Appropriate Plant Species and Sizes below) 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. Plants should be installed in landscaped islands within the paved area or within 15 feet of the edges of the paved area. Landscaped islands or peninsulas must be provided at the end of every parking row, and interior islands should be provided for every 20 parking spaces in non-industrial projects. Species selection for paved area plantings is particularly important to ensure salt and snow tolerance (see Figure 6), proper growth habit and branch height, and avoidance of messy fruit or other litter from the tree, and maintenance of good visibility within parking lots.

Figure 1: Parking Lot Landscaping Example



3. **Building Foundations.** 160 points of landscaping (see Figure 3: Appropriate Plant Species and Sizes below) should be planted for each 100 lineal feet of exterior building wall that is visible from public rights-of-way and adjoining sites. The graphic on the following page provides an example of building foundation landscaping. Plants required by this section should be installed within 45 20 feet of the building foundation and generally should not include large deciduous trees.
4. **Landscaped Bufferyards.** The City requires installation of a landscaped bufferyard:
 - In yards where a B-1, B-3, or M-1 zoning district abuts a residential use or zoning district,
 - Where off-street parking areas for five or more vehicles are within 15 feet of a lot line, except where the next door lot also contains parking within that same distance, and
 - Where lots in a new residential subdivision back onto a proposed major street.

Figure 2: Building Foundation Planting Example



The minimum width of a landscaped bufferyard is 10 feet (30 feet where subdivision lots back onto a major street), not including the area between the sidewalk and street curb. Bufferyards are generally required to be landscaped with two large deciduous trees, five small deciduous and/or evergreen trees, and twelve shrubs for every 100 feet of bufferyard length. The Plan Commission may instead approve substitute landscaping, a berming, or an opaque fence or wall, or some combination. Fences or walls should generally not be used in street yards and must not be more than 6 feet tall in residential zoning districts and 10 feet tall in non-residential districts. A berm is mound of soil surfaced with a landscaped ground cover, generally 3 to 6 feet above the surrounding grade and preferably of an undulating or otherwise visually interesting layout.

5. **General Yard Areas.** In other parts of the site, 200 additional points of landscaping (see Suggested Plant Species and Sizes table below) should be planted for each 5,000 square feet of total site area. Most general yard area landscaping should be located in street-facing yards. Except for approved natural areas, general yard areas should be seeded ~~or mulched~~. Slopes should be a maximum of 3 vertical feet for every 1 horizontal foot. Where retaining walls are necessary, they should be designed to ~~not be greater~~ less than 10 feet in height and constructed with stone or block, or terraced if the grade change is 10 feet or more.
6. **Screening.** Dumpsters, outside storage areas, loading docks, vending machines, and large or unsightly mechanical, utility, or telecommunication units should be enclosed by a fence, wall, and/or landscaping designed to provide a total visual screen from public rights-of-way and adjacent properties. Screening fences and walls surrounding outdoor storage areas should generally be between 6 and 8 feet tall, while fences and walls designed to screen other areas should generally be between 4 and 6 feet tall. Appropriate screening tree species are indicated in Figure 5. Future trimming of ~~such~~ screen plantings in such a way that limits their capacity to provide a total visual screen is not permitted. The base of freestanding signs—monument and pylon signs—should also be landscaped. Low-level plantings should be selected in sign areas.

7. **Vision Triangles and Easements.** No parts of Plantings plantings within 10 feet of the ground level must not extend may extend over any public right-of-way within 10 feet of the ground level. No new landscape plantings with a mature height over 2½ feet or with branches at maturity that will be less than 10 feet may be placed in vision triangles near street intersections (see Section 19.51.010 of zoning ordinance in order to measure extent of vision triangle). Planting in utility easements is at the risk of the property owner and may be subject to restrictions associated with the easement. Tree plantings should generally be at least 20 feet from street lights, 10 feet from hydrants, and 6 feet from gas and water valves.

Recommended Sizes and Species of New Landscaping

Figure 3 indicates the points that may be obtained for each plant within the five different categories of landscape plantings large deciduous tree, small deciduous tree, evergreen tree, shrub, and perennial planting bed. When added together, the points obtained from each plant depicted in a Landscape Plan may be used to determine whether the landscaping point guidelines above are being met. Figure 3 also provides a starting point for potential plant species selection within each of the five categories of plantings.

Figures 4, 5, and 6 include examples of appropriate tree and shrub species for different, unique applications. These include trees appropriate for placement under power lines (Figure 4), trees that are appropriate for screening (Figure 5), and plantings that are most tolerant of salt for use in and near parking lots for example (Figure 6).

Figure 7 includes species to minimize or avoid, for various reasons including overuse, susceptibility to disease, and invasive characteristics.

For more information in selecting plants, the following guides are available online at the UW-Extension (www.learningstore.uwex.edu): *Choosing the Right Landscape Plants: Factors to Consider* (A3864); *Deicing Salt Injury in the Landscape and Salt-Tolerant Landscape Plants* (A3869); *Guide to Selecting Landscape Plants for Wisconsin* (A2865). Also look for *Power Planting: How to Select and Plant Trees Near Power Lines*, available at: www.we-energies.com/forestry/treeplant_booklet.pdf.

Figure 3: Appropriate Plant Species and Sizes

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species (see notes)
Large Deciduous Tree	Greater than 25 feet	2 inch trunk diameter as measured 4 1/2 feet up (1 1/2 inch for street trees)	150	<p>Oak, Maple, Honeylocust, Ginko (male), Linden, Hazelnut, Hackberry, Basswood, Disease resistant Elm, Kentucky Coffeetree</p> <p><u>Freeman maple</u> <i>Acer x freemanii</i></p> <p><u>Paperbark maple</u> <i>Acer griseum</i></p> <p><u>State Street Miyabe maple</u> <i>Acer miyabei</i></p> <p><u>Gingko (male cultivars)</u> <i>'Morton'</i></p> <p><u>Chanticleer pear</u> <i>Ginkgo biloba</i></p> <p><u>Honeylocust (male cultivars)</u> <i>Pyrus calleryana</i></p> <p><u>Chinkapin oak</u> <i>'Chanticleer'</i></p> <p><u>Baldcypress</u> <i>Gleditsia triacanthos</i></p> <p><u>Lindens/basswood</u> <i>var. inermis</i></p> <p><u>Elms (hybrids)</u> <i>Quercus muehlenbergii</i></p> <p><u>Hackberry</u> <i>Taxodium distichum</i></p> <p><u>Hazelnut</u> <i>Tilia spp.</i></p> <p><i>Ulmus spp.</i></p> <p><i>Celtis occidentalis</i></p> <p><i>Corylus spp.</i></p>
				<p>Birch, Serviceberry, Hawthorn, Redbud, Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbeam, Amur Corktree</p> <p><u>Birch</u> <i>Betula ssp.</i></p> <p><u>Serviceberry</u> <i>Amelanchior</i></p> <p><u>Hawthorn</u> <i>Crataegus viridis</i></p> <p><u>Eastern redbud</u> <i>Cercis canadensis</i></p> <p><u>Callery pear</u> <i>Pyrus calleryana</i></p> <p><u>Flowering crabapples</u> <i>Malus spp.</i></p> <p><u>Japanese tree lilac</u> <i>Syringa reticulata</i></p> <p><u>Hornbeam (Musclewood)</u> <i>Carpinus caroliniana</i></p> <p><u>Ironwood/Hophornbeam</u> <i>Ostrya virginiana</i></p>
Small Deciduous Tree	25 feet or less	1 1/2 inch trunk diameter as measured 4 1/2 feet up, or 4 feet tall	60	<p>Pine, Spruce, Hemlock, Cedar</p> <p><u>Serbian spruce</u></p> <p><u>Pine (except Austrian)</u> <i>Pinus ssp. (not nigra)</i></p>
Evergreen Tree	Usually > 10 feet	4 feet tall	40	<p>Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Spirea, Dwarf Bush Honeyuckle, Potentilla, Burning Bush, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper</p> <p><u>Weigela</u></p> <p><u>Shrub rose</u></p> <p><u>Juniper</u></p> <p><u>Arborvitae</u></p>
Shrub (deciduous or evergreen)	Usually less than 10 feet	2 feet in height or 2 gallon pot	20	

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species (see notes)
				<u>Amelanchior</u> <u>Elderberry</u> <u>ninebark</u> <u>Viburnum</u> <u>Dogwood</u> <u>Cotoneaster</u> <u>Forsythia</u> <u>Potentilla</u> <u>Gro-low sumac</u> <u>Yew</u> <u>Sambucus canadensis "aurea"</u>
<u>Perennial Planting Bed</u>	Varies	Varies	20 points for every 20 sq ft of bed	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum <u>Coneflower</u> <u>Catmint</u> <u>Black-eyed Susan</u> <u>Lily</u> <u>Daylily</u> <u>Hosta</u> <u>Catmint</u> <u>Ornamental grass</u> <u>Lady's mantle</u> <u>Columbine</u> <u>Aster</u> <u>Brunnera</u> <u>Liatris</u> <u>Cimicifuga</u> <u>Peony</u> <u>Pachysandra</u> <u>Sedum</u> <u>Astilbe</u>

Notes: Other non-invasive (not aggressive spreaders) and native plant species are also encouraged. Consider salt and snow tolerance when making plant selections. Plant selections beyond this list may require approval of the City Forester. Tree species listed in bold are acceptable as street terrace/frontage trees.

Figure 4: Trees Appropriate for Planting under Power Lines

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species
<u>Small Deciduous Tree</u>	<u>25 feet or less</u>	<u>1½ inch trunk diameter or 4 feet tall</u>	<u>60</u>	<u>Flowering crabapple</u> <i>Malus spp.</i> <u>Japanese tree lilac</u> <i>Syringa reticulata</i>

Figure 5: Trees Appropriate for Screening

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species for Screening
<u>Evergreen Tree</u>	<u>Usually > 10 feet</u>	<u>4 feet tall</u>	<u>40</u>	<u>Firs</u> <i>Abies spp.</i> <u>Eastern red cedar</u> <i>Juniperus virginiana</i> <u>Spruces</u> <i>Picea spp.</i> <u>Pines</u> <i>Pinus spp.</i> <u>Douglas fir</u> <i>Pseudotsuga menziesii var. glauca</i> <u>Arborvitae</u> <i>Thuja occidentalis</i> <u>Eastern hemlock</u> <i>Tsuga canadensis</i>

Figure 6: Salt Tolerant Plants

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species for Salt Sensitivity
<u>Large Deciduous Tree</u>	<u>Greater than 25 feet</u>	<u>2 inch trunk diameter (1½ inch for street trees)</u>	<u>150</u>	<u>maple</u> <u>sweet gum</u>
<u>Small Deciduous Tree</u>	<u>25 feet or less</u>	<u>1½ inch diameter or 4 feet tall</u>	<u>60</u>	<u>crabapple</u> <u>crape myrtle</u> <u>dogwood</u>
<u>Evergreen</u>	<u>Usually</u>	<u>4 feet tall</u>	<u>40</u>	<u>American holly</u>

Category of Plant	Expected Mature Height	Minimum Size at Time of Planting	Landscaping Points for Each Plant	Examples of Appropriate Species for Salt Sensitivity
<u>Tree</u>	<u>> 10 feet</u>			<u>yew</u>
<u>Shrub (deciduous or evergreen)</u>	<u>Usually less than 10 feet</u>	<u>2 feet in height or 2 gallon pot</u>	<u>20</u>	<u>azalea</u> <u>barberry</u> <u>boxwood</u> <u>forsythia</u> <u>rhododendron</u> <u>spirea</u>

Figure 7: Plant Species to Use Sparingly or Avoid

Category of Plant	Species to Use Sparingly	Species To Avoid	Reason to Avoid	Good Alternative
<u>Large Deciduous Tree</u>	<u>Maple</u>	<u>Any ash (fraxinus)</u>	<u>Emerald ash borer</u>	
	<u>Basswood/linden</u>	<u>Non-resistant elms</u>	<u>Dutch elm disease</u>	<u>Resistant elms</u>
	<u>Honeylocust</u>	<u>Boxelder</u>	<u>Spread quickly</u>	
		<u>Maples (Freeman/Autumn Blaze)</u>	<u>Over-planted</u>	
		<u>Maples, Norway</u>	<u>Over-planted, dense</u>	
		<u>Maples, red</u>	<u>Prefer acidic soil</u>	
		<u>Maples, sugar</u>	<u>Thrives only in certain conditions; picky</u>	
		<u>Bradford pears</u>	<u>Poorly branched, tend to break</u>	<u>Chanticleer pear</u>
		<u>White mulberry</u>	<u>Invasive, non-native</u>	
<u>Small Deciduous Tree</u>		<u>Buckthorns</u>	<u>Invasive, non-native</u>	
		<u>Autumn-olive</u>	<u>Invasive, non-native</u>	
<u>Evergreen Tree</u>	<u>Blue spruce</u> <u>White pine</u> <u>White spruce</u>	<u>Austrian pine</u>	<u>Over-planted</u>	

Category of Plant	Species to Use Sparingly	Species To Avoid	Reason to Avoid	Good Alternative
<u>Shrub (deciduous or evergreen)</u>		<u>Spirea japonica</u>	<u>Invasive (re-seed)</u>	<u>Ninebark 'nanus'</u>
		<u>Prunus x cistena (purple sandcherry)</u>	<u>Short-lived</u>	<u>Purple pinebarks</u>
		<u>Burning bush (euonymus)</u>	<u>Invasive, non-native</u>	
		<u>Honeysuckle</u>	<u>Invasive, non-native</u>	
		<u>Multiflora rose</u>	<u>Invasive, non-native</u>	

Descriptions and Standards for Rain Gardens and Bioswales

Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.

A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the City's landscaping guidelines in the same manner as that presented for "perennial planting bed" in Figure 3 above (20 points for every 20 sq. ft.) provided that:

1. Detailed plans are provided that show all proposed dimensions of the rain garden including length, width, depth, and slope of depression; location of the rain garden on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the raingarden or bioswale.

2. Installation is not proposed for areas where there is known soil contamination unless the rain garden is proposed to be constructed with an under-drain; where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or where there are expected high levels of foot traffic.
3. The owner can demonstrate that the rain garden or bioswale will be properly maintained; kept free of trash, weeds debris, and dead or dying plants; any pipes associated with the garden will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.
4. Bioswales and rain gardens must be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not qualify for landscaping points.
5. To serve as a component of an overall stormwater management plan for a site, detailed plans, calculations, and specifications meeting the City's stormwater management ordinance are provided. Detailed plans should include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

For further information on rain garden and bioswale design, see *Rain Gardens: A How-To Manual for Homeowners*, which is available from County UW-Extension offices, Cooperative Extension Publications, DNR Service Centers, and online at <http://clean-water.uwex.edu/pubs/pdf/home.rgmanual.pdf> and *Design Guidelines for Stormwater Bioretention Facilities*, which is available from the Communications Office of the State of Wisconsin Aquatic Sciences Center and online at <http://aqua.wisc.edu/publications/PDFs/stormwaterbioretention.pdf>.

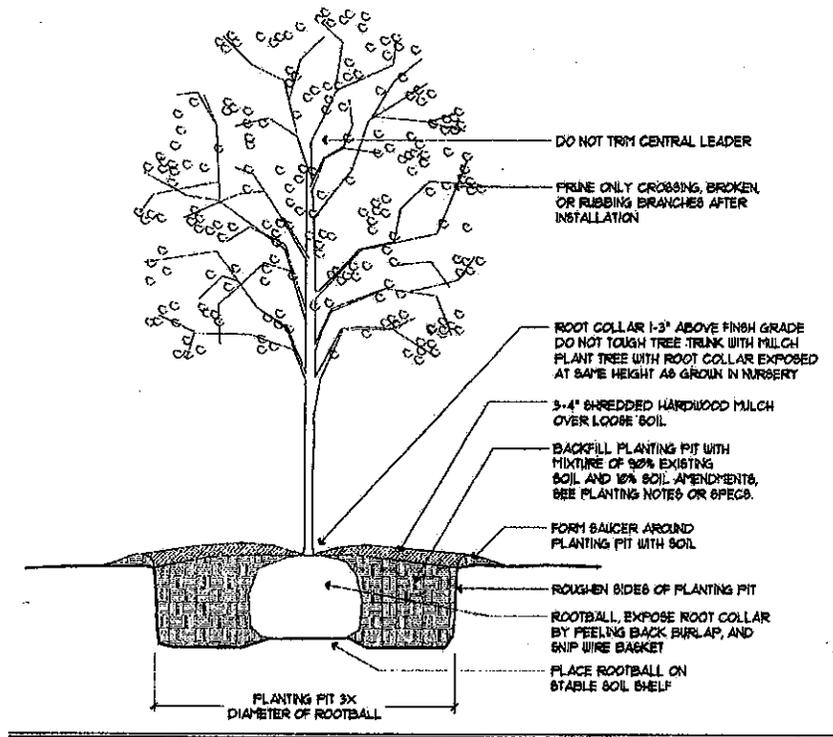
General Installation and Maintenance for Landscaping and Bufferyards

Landscaping must be installed using landscape contracting industry standards available from landscape designers and nurseries. These include proper soil conditioning, removing any packing materials including wire cages, burlap, and string, and the and placement of the root collar at or slightly above grade. Figure 8 suggests proper planting and maintenance techniques for deciduous trees; techniques for evergreen trees and shrubs vary slightly, but the basic principles are similar.

All landscaping must be installed prior to building occupancy or operations, unless doing so would result in unsatisfactory plant survival. In this case, the City requires a site improvement deposit until landscaping is installed according to plan.

All landscaping should be continually maintained in a live state to meet its original function (e.g., screen plants not overly pruned). Maintenance must include replacement of dead or dying plants, regardless of when the plant dies. Replacement should occur within the same year in which a plant dies or the next spring.

Figure 8: Deciduous Tree Planting Standard



110

WISCONSIN DAIRY SUPPLY CO.



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Cows
5' x 7'
4 cows to
be made

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Cows

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ORDINANCE NO. _____

**ORDINANCE CREATING CHAPTER 19.485
LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT
STANDARDS
(04/29/10 – 4:00 P.M.)**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

Section 1: Whitewater Municipal Code, Chapter 19.485, Large Retail and Commercial Service Development Standards is hereby created to read as follows:

19.485.010 Title

This section shall be known, cited, and referred to as the Large Retail and Commercial Service Development ordinance.

19.485.020 Description

A Large Retail and Commercial Service Development is a development comprised of one or more contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple such enterprises within which the total combined floor and surface area of all indoor retail and/or commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds 20,000 square feet. The requirements of this Section are applicable to all City development approvals obtained after June 1, 2010 for any new Large Retail and Commercial Service Developments and for any altered or expanded establishment or group of establishments that meet or exceed the above floor and surface area threshold. No individual building in a Large Retail and Commercial Service Development shall exceed a total of 150,000 square feet in floor area. The vacant building provisions set forth in 19.485.040 F. 18. shall also apply to existing Large Retail and Commercial Service development.

19.485.30 Conditional Use Permit or PCD Approval Required.

- A. Aside from where allowed under an approved PCD district, Large Retail and Commercial Service Developments shall require a conditional use permit within any district in which they are allowed. All additions to structures, parking, or storage areas that are part of an approved Large Retail and Commercial Service Development shall require an amendment to the conditional use permit or the previously approved PCD plans, per the associated requirements for such amendments in this Title.
- B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district are permitted without amendment to the Large Retail and Commercial Development conditional use permit or PCD specific

implementation plan, unless said conditional use permit or PCD plan placed restrictions on change of use.

- C. Subsequent individual land uses allowed only by conditional use permit in the zoning district or approved PCD specific implementation plan may be allowed only under a subsequent Conditional Use Permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.
- D. Large Retail and Commercial Service Developments are subject to all of the use and other regulations of the applicable zoning district and Title 19.

19.485.040 Regulations.

In addition to applicable zoning district and other standards of this Title, Large Retail and Commercial Service Developments shall meet the following additional standards, as may be applicable given the size of each such Development:

- A. **Compatibility with City Plans.** A compatibility report is required when a Large Retail and Commercial Service Development reaches a defined threshold as outlined in Figure 19.485(1). The applicant shall provide, through a written compatibility report submitted with the application for a conditional use permit or rezoning application for the PCD district, adequate evidence that the proposed building and overall development project will be compatible with the City's comprehensive plan, any adopted detailed neighborhood plan for the area, and any other plans officially adopted by the City.
- B. **Large Retail and Commercial Service Development Questionnaire.** A Large Retail and Commercial Service Development questionnaire shall be completed when a development reaches a defined threshold established in Figure 19.485(1). The Large Retail and Commercial Service Development questionnaire shall be in the format included as Figure 19.485(2).
- C. **Traffic Impact Analysis.** A traffic impact analysis is required when a development reaches a defined threshold as outlined in Figure 19.485(1). The traffic impact analysis shall be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except where otherwise approved by the City Director of Public Works. Where the Traffic Impact Analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, then the City may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the Development. All such Developments shall have direct access to an arterial or collector street. Vehicle

access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks. The site design shall provide direct transportation connections to adjacent land uses if required by the City.

D. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required when a Development reaches a defined threshold as outlined in Figure 19.485(1). The economic and fiscal impact analysis shall include all of the items identified in Figure 19.485(3) and meet the following requirements:

1. The study shall identify and assess the economic and fiscal impacts on the community.
2. The study shall propose measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the Development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
3. The applicant shall provide the necessary funding to the City to hire a consultant of the City's choice, with appropriate experience to complete and present an economic and fiscal impact analysis to the City.

E. Detailed Neighborhood Plan. For each Large Retail and Commercial Service Developments of 80,000 square feet or more (per the measurement method in Section 19.485.020), the Development shall be required to prepare a detailed neighborhood plan for any undeveloped areas up to 1,500 foot radius from the boundaries of the Development site. The detailed neighborhood plan must be submitted prior to or with the application for conditional use permit. The City Plan and Architectural Review Commission may waive this requirement if a detailed neighborhood plan has already been adopted, or the Commission may specify a smaller area based on its determination of appropriate neighborhood boundaries. The detailed neighborhood plan shall be of sufficient detail to establish the mix of land uses and their relationship to the Large Retail and Commercial Service Development with regard to provision of street, bicycle/pedestrian, and bus transit connectivity, utilities, stormwater management, and community character, and a general layout that support the goals and objectives of the City's comprehensive plan. Unless otherwise approved by the Commission, the detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:

1. General types of land use types with specific zoning districts and/or land uses;

2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;
3. Complete public road network;
4. Pedestrian and bicycle network;
5. Conceptual stormwater management network;
6. Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;
7. Recommendations for community character themes including building materials, landscaping, streetscaping and signage.

F. Facilities and Associated Features. The following requirements are applicable when a Large Retail and Commercial Service Development reaches the defined threshold outlined in Figure 19.485(1):

1. **Building Location.**

Where buildings are proposed to be distant from a public street, as determined by the Plan and Architectural Review Commission based on the particular setting, the Commission may require that the overall development design include smaller buildings on pads or outlots closer to the street. All buildings on outlots shall be architectural quality comparable to the primary building. Regardless, placement and orientation of all buildings must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads, and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the comprehensive plan.

2. **Building Materials.**

Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block are preferred, with wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined appropriate by the Plan and Architectural Review Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if integral to the overall design of the building. Windows shall be prominently incorporated into the building design for both aesthetic and daylighting effect.

3. **Building Design.**

The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan and Architectural Review Commission, including the following:

- a. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building and to add architectural interest.
- b. A minimum of 20 percent of the building's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet in length.
- c. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.
- d. Roofs with particular slopes may be required to complement existing buildings in the vicinity or otherwise establish a particular aesthetic objective.
- e. Ground floor facades that face public streets shall have some combination of arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length.
- f. The integration of windows into building design is required. Windows shall be transparent glass wherever practical in the determination of the Plan and Architectural Review Commission. The use of blinds or spandrel glass shall be acceptable where there is a determination that opacity is required.
- g. Building facades that are visible to the public shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

4. Building Entrances.

Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor patios.

5. Building Colors.

Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, unless such corporate colors meet the preceding building façade color standards.

6. Screening.

- a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior facades.
- b. All rooftop mechanical equipment shall be screened by parapets, upper stories, strategic placement relative to exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property.
- c. Loading docks shall be completely screened from surrounding public streets and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
- d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable in any application in a Large Retail and Commercial Service Development. Decorative, heavy-duty wood gates may be used.

7. Parking.

- a. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in

Section 19.51.130 shall be allowed only with specific and reasonable justification.

- b. Parking lots shall be designed to create distinct parking areas of not more than 120 parking stalls through use of landscaped and curbed medians, a minimum of ten feet in width from back-of-curb to back-of-curb. Landscaped islands shall be a minimum of 360 square feet in landscaped area; and landscaped islands shall be spaced at intervals no greater than one island per every 20 spaces in that aisle.

8. Bicycle and Pedestrian Facilities.

- a. The entire Development shall provide for safe pedestrian and bicycle access to all uses within the Development, connections to existing and planned public sidewalks and other pedestrian and bicycle facilities, and connections to adjacent properties.
- b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to buildings shall be eight feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
- c. Sidewalks internal to the Development shall have adjoining landscaping along at least 50 percent of their length.
- d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, color, and/or texture in combination with signage.
- e. The Development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
- f. The Development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of floor area (per the measurement method in Section 19.485.020).
- g. The Development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every 10,000 square feet floor area (per the measurement method in Section 19.485.020). Seating in food service areas, or other areas where food or merchandise purchasing activities occur, shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

9. Central Areas and Features.

Each Developments exceeding 80,000 square feet in floor area (per the measurement method in Section 19.485.020) shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated

outdoor areas or focal points that adequately enhance the Development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the primary building and remainder of the site, and maintained over the life of the Development.

10. Cart Returns.

A minimum of one 200-square foot cart return area (corral) shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of any building.

11. Outdoor Display Areas.

Exterior sales and display areas—whether permanent or seasonal—shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. Display areas on sidewalks directly in front of buildings building must maintain a minimum walkway width of eight feet between the display items and any vehicle drives.

12. Outdoor Storage Uses and Areas.

Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required by Title 19.

13. Landscaping.

On-site landscaping shall be provided at time of building occupancy, shall meet all landscaping guidelines approved by the City Council or Plan and Architectural Review Commission, and shall be maintained per the requirements of those guidelines and Title 19 over the life of the Development.

14. Lighting.

On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and design of pole lighting standards shall be compatible with the

primary building and the public lighting in the area, and shall be uniform throughout the entire Development site.

15. Signage.

In addition to meeting the applicable requirements of Title 19, a signage plan for all exterior signage shall provide for coordinated and complimentary exterior sign locations, configurations, and colors throughout the Development. Combined signs for multiple users may be required instead of multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain shall be considered as contributing to the number and area of permitted signs.

16. Natural Resources Protection and Stormwater Management.

Natural Resources shall be protected in accordance with Title 19. In general, existing natural features shall be integrated into the site design as a site and community amenity. Each project shall meet the erosion control and stormwater management standards found in Title 19 and other applicable City ordinances.

17. Sustainability.

Each Development shall intentionally incorporate into site and building design elements that contribute to the long-term sustainability of the Development and City, including environmental sustainability and energy efficiency, as such terms are described in the City's comprehensive plan.

18. Policy on Vacation of Existing Buildings in Large Retail and Commercial Service Developments.

- a. Any large retail or commercial or retail development that has 50,000 or more square feet of floor area that is vacated because the retail commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building in the City of Whitewater, shall be subject to the following provisions:
 1. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
 2. The development agreement for the project that is being developed at the new retail or commercial site shall include provisions therein

whereby the developer of the new site commits to the requirements contained herein.

- b. In addition to the above, any large retail or commercial site that has 20,000 or more square feet of floor area that is vacated shall be subject to the following provisions:
 1. At the time of vacancy the owner must file with the City a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
 2. After three years of vacancy, if the building(s) is not completely occupied, the City may require the owner to paint the building(s) a neutral color, remove all hard surfaces with the exception of the main driveway and fire lane around the building, restore the former hard surfaced areas with black dirt and grass, or some combination of the above. In such timeframe, the owner shall install a Fire Department Knox Box for annual fire inspection, and provide the City with an annual statement as to the condition of the building due in a timeframe directed by the City.
 3. After five years of vacancy, the City may require the owner to demolish the building(s) and restore the entire site to a greenfield status. A "greenfield" status means removal of all buildings, foundations, pavement, concrete, light fixtures, signage and materials, and the establishment of a grass lawn on the site.
 4. Temporary occupancy of the building(s) and/or the exterior grounds for periods of 365 consecutive days or less, shall not be considered to remove the vacancy status of a building under this subsection.
19. **Developer's Agreement.** The developer shall enter into a development agreement with the City, which shall include the payment of all utilities including but not limited to storm water, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
20. **Exceptions.** In the event the applicant desires a deviation or exception from the requirements of this Section, the applicant shall present justification for such deviation or exception, which may be approved or denied by the Plan and Architectural Review Commission.

Figure 19.485(1): Large Retail and Commercial Service Development Requirements

Requirement	Large Scale Retail and Commercial Development Threshold (per measurement method in Section 19.485.020)
Complete compatibility report (fits City's comprehensive plan and/or other adopted plans)	>20,000 sq. ft.
Complete questionnaire	>20,000 sq. ft.
Provide facilities and associated features (materials, landscape, etc)	>20,000 sq. ft.
3rd party Traffic Impact Analysis is required	>20,000 sq. ft. w/ > 50 parking stalls
3rd party economic impact study is required	>80,000 sq. ft.
A detailed neighborhood plan is required	>80,000 sq. ft.

Figure 19.485(2): Large Retail and Commercial Service Development Questionnaire

Person filling out this form		
Address		
Phone Number		
Date		
I. Project Contacts		
Property Owner		
Property Owner Representative		
Developer		
Developer Representative		
Prime Contractor Representative		
Civil Engineering Representative		
Architectural Representative		
Land Planner Representative		
Landscape Architect Representative		
Exterior Lighting Representative		
II. Existing Site Conditions		
A. Total Site Area (inclusive of all areas within parcel boundary):	_____ acres	_____ sq. ft.
B. Environmental Corridor Components:	_____ acres	_____ sq. ft.
Surface Water	_____ acres	_____ sq. ft.
Wetlands	_____ acres	_____ sq. ft.
100-Year Floodplain	_____ acres	_____ sq. ft.
Steep Slopes (equal to or greater than 12%)	_____ acres	_____ sq. ft.

III. Adopted Plans and Policies.	
Describe how the proposed development is compatible with the following:	
A. Comprehensive Plan:	
Future Land Use Map	
Transportation Plan Map	
Community Facilities Plan Map	
Goals, Policies and Objectives	
Agricultural and Natural Resources	
Economic Development	
Other Provisions of Comprehensive Plan	
B. Park and Open Space Plan	
C. Intergovernmental Agreements	
D. Applicable County Comprehensive Plan	
E. State of Wisconsin DOT Plans and Policies	
F. State of Wisconsin DNR Plans and Policies	
G. Other Pertinent Plans and Policies as Indicated by City	

IV. Proposed Development			
A. General Description of Proposed Development and Land Use Mix			
B. Modifications to Existing Site Conditions:			
TOTAL SITE	Acres Converted	Acres Not Converted	Total
Surface Water Areas			
Wetland Areas			
Floodplain Areas			
Steep Slopes (12% or more)			
Woodland Areas			
Total Environmental Corridor			
Crop & Livestock Operation Areas			
Other Open Space Areas			
Total Existing Development:			
Existing Building Areas			
Existing Paved Areas			
Existing Lawn & Landscaped Areas			
C. General Development Details:			
Total Site Area:		square	acres
Area of Building Footprint:		square	acres
Area of Total Paving:		square	acres
Area of Pervious Paving		square	acres
Area of Lawn & Landscaping		square	acres
Area of Stormwater Management:		square	acres
Area of Impervious Surface		square	acres
Area of Semi-Pervious Surface		square	acres
Area of Pervious Surface		square	acres
Total Floor Area:		square	
First Floor Area:		square	
Second Floor Area:		square	
3+ Floor Areas:		square	
Useable Basement Area:		square	

Figure 19.485(3): Economic and Fiscal Impact Analysis Requirements

1. For the project, estimate the following:
a. Types of jobs created.
b. Number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created.
c. The impact of the project on the overall local job market at year one and year five.
2. Estimate the amount of local labor to be used in the construction of the project and in permanent employment. Local is defined as City, extraterritorial jurisdiction, or county residents or businesses.
3. Include an analysis indicating the market proposed for the project and the area from which patrons will be attracted.
4. Evaluate the impact of the proposed project on commercial and/or retail vacancy rates in the proposed market area.
5. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
6. Compare and evaluate the projected costs and benefits to the community resulting from the project including:
a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
b. Value of improvements to public services and infrastructure to be provided by the project.
c. Projected property tax revenues to be generated by the project in the first five years.
d. Projected impact of the project in the first five years on land values (both residential and commercial) and potential loss or increase in property tax revenues.
7. Projected lifespan of building(s).

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:
 NOES:
 ABSENT:
 ADOPTED:

 Kevin Brunner, City Manager

 Michele R. Smith, City Clerk

TOC



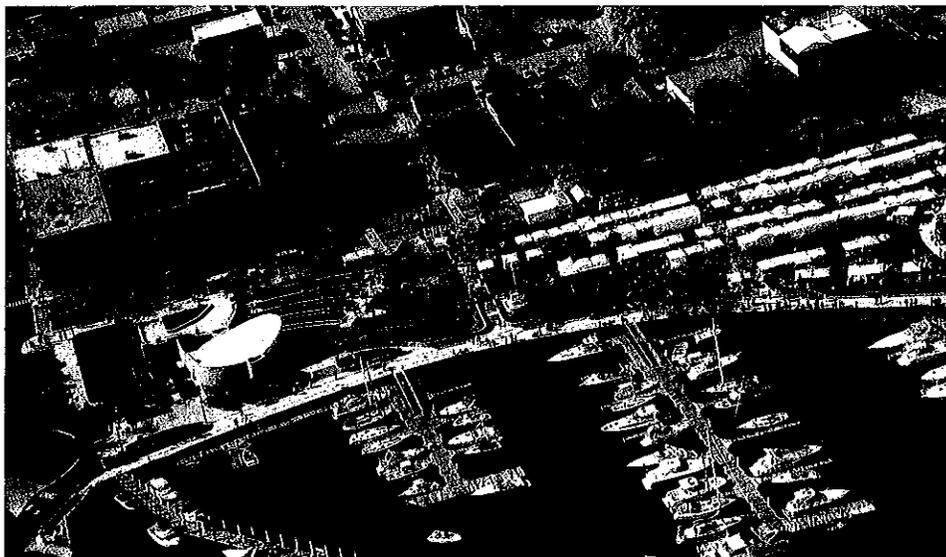
The Commissioner • A Publication of the American Planning Association • Spring 2010

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Beauty Isn't Everything in Your Downtown Plan Philip L. Walker, AICP Each year dozens of communities across the country embark on plans aimed at revitalizing their struggling downtowns. Civic leaders recognize the importance of their downtowns economically, socially, and culturally, as well as the less tangible roles downtowns play, such as defining the community's image and level of civic pride. Creating a downtown plan means an investment of time, money, and effort. Despite this serious resource commitment, many downtown plans fail to achieve their ultimate goal of revitalization. What causes this unfortunate yet common scenario? There are two reasons. The first is the plan focused too much on physical improvements to the downtown and not enough on the economic and social realm. The other reason is the plan did indeed address the downtown holistically, but was not implemented in that same holistic manner.

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Charlevoix, Michigan, is a small town with a year-round bustling downtown. A designated Great Places in America, Charlevoix's East Park, pictured here, combines a well-connected downtown community space used by residents and visitors with the beauty of Round Lake and nearby Lake Michigan.



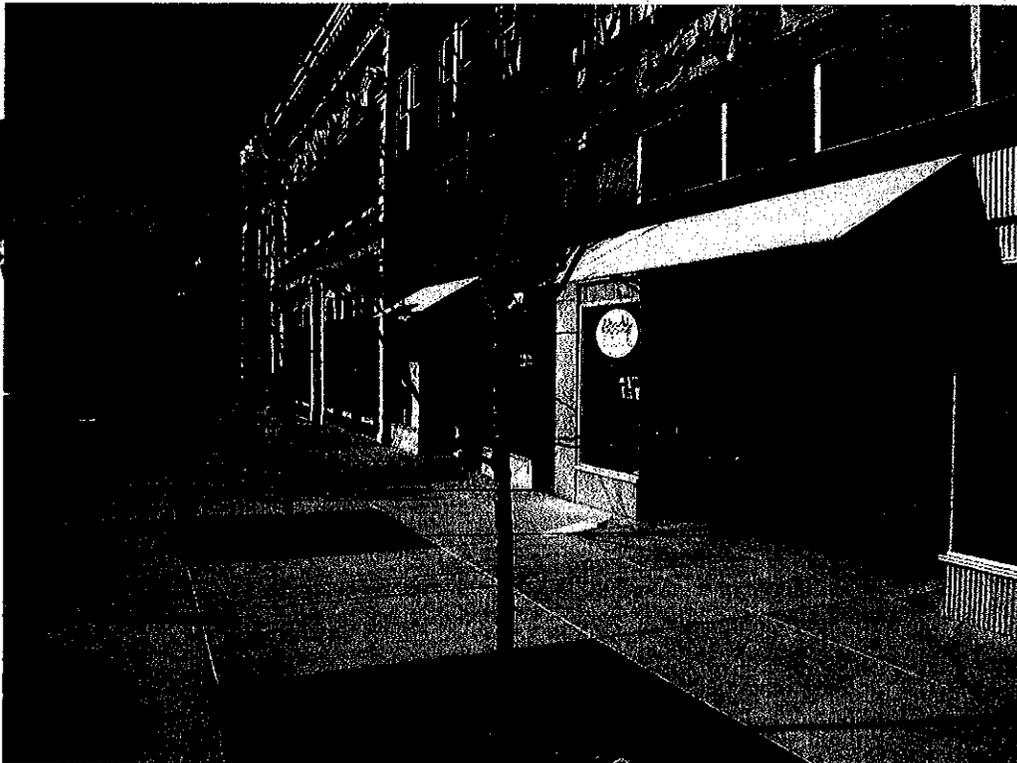
Courtesy City of Charlevoix

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For obvious reasons, the recommendations for physical improvements to the downtown tend to receive the greatest attention and interest. They are tangible and easily conveyed through graphics. Although expensive, physical improvements are also relatively straightforward and simple to implement—you design them and then you build them. Economic and market issues are equally important for most downtowns, and may be far more important for many communities. Yet the market issues are strongly intertwined with physical planning, so they must be considered and planned in coordination. Countless downtown organizations have learned the hard way that a singular focus on physical enhancements is not the solution for long-term success. Robin Taffler, the former Main Street manager for Murray, Kentucky, observed, “It’s not just about pretty; it’s about a fundamental change in thinking. People get really hung up on the streetscape end of things and seem to forget or ignore the importance of the rest. . . . I wish in Murray’s plan that we literally put ‘streetscape’ at the back of the document and the other issues up front to reinforce their absolute importance.”

Two of the most important ingredients to a downtown’s success are a density of people and diversity of uses. In tandem, those two characteristics lead to dynamic places that will sustain themselves over time. Rather than competing in beauty contests, the biggest challenge for most communities is developing richly varied destinations that will attract a critical mass of people to live, work, shop, and play in the downtown.

Countless downtowns have spent money on beautiful new streetscapes built of the highest quality materials, only to continue seeing them flanked by empty storefronts. Assuming that a vibrant and economically healthy downtown is the ultimate goal for most downtown plans, leaders and officials must focus on the creation of destinations for both visitors and everyday users. This principle is not based upon having one or two major attractions, but rather a multitude of uses and activities, such as retail, services, and entertainment. Success requires hard work, yet the formula for success is not as mysterious as many believe. It simply requires: 1) identifying the optimal mix



Philip Walker

In 2004, Gallatin, Tennessee, commissioned a downtown master plan to spur revitalization. While the streetscape was redeveloped, a downtown library and farmers market were constructed, and several new businesses have opened, a more dramatic turnaround might have been possible if the plan’s economic and market strategies had been as vigorously pursued.

Unexpected Benefits of Downtown Residents

. . . marketing downtown housing can go beyond the usual suspects (young people, retirees, etc.) to include those . . . who work downtown and would like to cut their commutes or who are otherwise drawn to living downtown because of its amenities. According to Donovan Rypkema (2005), downtown residents typically spend three to four times as much money downtown as do downtown employees. And Randall Gross . . . reports that downtown residents, on an annual basis, spend more on downtown retail than do their downtown “destination shopper” counterparts, making them clearly a prized retail market segment.

—From *Downtown Planning for Smaller and Midsized Communities*
by Philip L. Walker,
APA Planners Press, 2009.

While an attractive and well-designed downtown is certainly an advantage, attractiveness is rarely the sole motivation for those drawn to it. How many people visit a downtown merely to enjoy its new sidewalks and landscaping? They might come once after the streetscape project is completed and the ribbon is cut, but the novelty will be short-lived unless there is more. Conversely, there are numerous examples across the country of vibrant, prosperous downtowns with dull, worn concrete sidewalks and sparse streetscape furnishings.

of retail, offices, housing, institutions, and other uses; 2) developing a strategy for retaining, expanding, and recruiting uses consistent with that mix; and 3) putting that strategy into action. Planners and officials must address numerous details in implementing this approach, including: undertaking a market analysis; producing marketing materials; adopting targeted financial incentives; cultivating property owners, developers, and leasing agents; and other similar measures. The primary goal of attracting more people to the downtown—both temporary visitors and year-round inhabitants—should never be overlooked.

Six Strategies for Regulating Big Boxes

Julie A. Tappendorf



© iStockphoto.com/Steve Rosset

There is a tension between a community's desire to protect its character and existing businesses, a governing body's desire to increase tax revenues and bring in local jobs, and community residents' desire to save money.

So how can a community balance these interests? Here are six strategies for regulating big boxes to assist communities in encouraging projects that are consistent with a community's diverse goals and interests.

Tip One—Require Special Zoning Approvals. Many communities require retailers to obtain special zoning approvals for large retail projects (such as an Illinois city's special use requirement for stores over 50,000 square feet). Special zoning approvals can provide a municipality with more control and review over a project, and authorize the imposition of conditions to address the impact of a large retail store, such as requiring enhancements to parking lot landscaping and upgrades to building architecture.

Tip Two—Adopt Specific Zoning Regulations. Some communities have implemented regulations on large retailers ranging from full-scale bans or caps on stores over a certain size (such as a Vermont city's ban on stores over 75,000 square feet) to specific regulations to address the unique planning concerns that may not be addressed in typical zoning regulations. For example, traffic and parking impacts for a 50,000-square-foot retail building are far different than for a 5,000-square-foot retail store and may need special treatment in a zoning code.

Tip Three—Enact Design Standards. Another tool is to enact design standards for large retail buildings. For example, a Wyoming city requires stores over 25,000 square feet to be compatible with the town's architectural character and history, including a requirement that brick, sandstone, or other natural building materials be used on at least 30 percent of the facade, and that architectural details be added to break up monotonous building facades. Others require varied roof lines and "four-sided" architecture to eliminate the expansive blank wall effect. Still other communities have established site design standards, including "pedestrian-friendly" elements, restrictions on front-field parking, and substantial parking lot landscaping.

Tip Four—Establish Vacant Building Regulations. One of the concerns frequently raised with large retail projects is what happens if the retailer relocates or abandons the building. Restrictive covenants are widely used by large retailers to restrict the rental or sale of buildings to competitors after a retailer vacates the building. This type of covenant causes various problems to the community. First, vacant retail space generates no sales taxes, typically a substantial portion of a local revenue.

Second, retail vacancy negatively impacts other businesses in the area by generating less customer traffic and lower revenues. Finally, and most important from a planning perspective, empty retail space tends to become an eyesore, particularly when the building and site are very large and not adequately maintained. Even if the retailer continues to pay rent to the owner or maintains ownership of the building, when daily operations at a particular site cease, general site maintenance typically suffers.

There are a couple of tools to address the vacant big box. Some communities have adopted "dark store ordinances" that mandate that owners market buildings as soon as they become vacant and void any clause or covenant that restricts owners from leasing property to another tenant. Other communities have enacted ordinances requiring developers to provide a bond to cover demolition costs if the retailer abandons a building and it remains vacant.

Tip Five—Negotiate. A community might consider entering into a development agreement with a retailer to provide control to the municipality over the development process as well as give assurance to the retailer that a project will proceed as approved in the agreement. One Illinois community negotiated a development agreement

with a home improvement store that prohibits the retailer from restricting the rental or sale of the building to a competitor in the event the building becomes vacant. The retailer also agreed to a special service area to levy taxes to cover maintenance of the site and building in the event that it became vacant. Other terms included enhanced parking lot landscaping and architectural upgrades.

Tip Six—Consider Financial Incentives. Financial incentives, if used carefully, can also result in a better project. For example, a municipality might agree to rebate a portion of sales taxes or discount permit fees in exchange for an agreement not to restrict future retail use of the building if it becomes vacant, and for architectural and site upgrades that might not otherwise be part of the initial project.

Conclusion

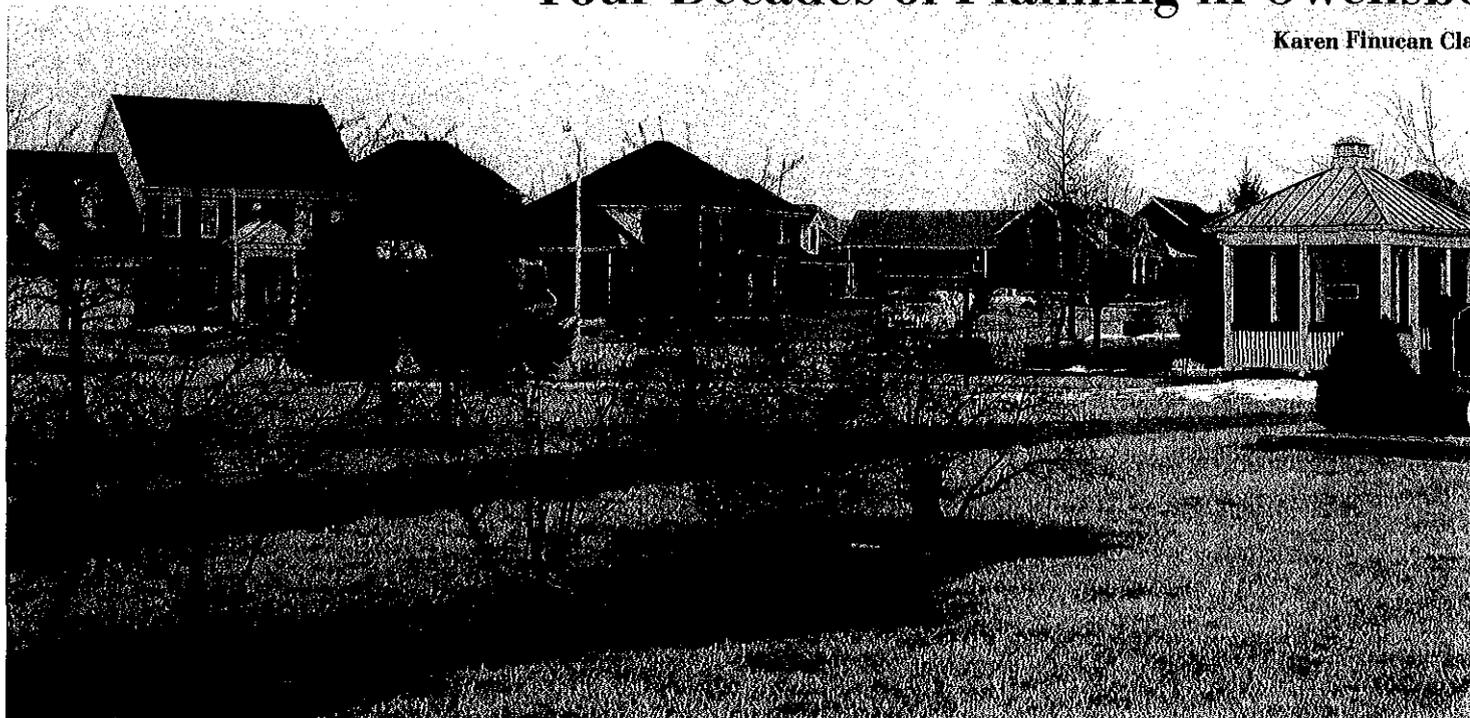
Big boxes can be friend or foe, but careful and comprehensive prior planning and thorough and thoughtful negotiation with a retailer can address many of the negative impacts a large retailer might have on a community.

The Owensboro Metropolitan Board of Adjustment. From left to right: Marty Warren; Sean Dysinger; Madison Silvert, legal counsel; Gary Noffsinger, executive director; Christian Pantle, chair; Ward Pedley, vice chair; Ruthann Mason, secretary; Rev. Larry Hostetter; Clay Taylor.



Four Decades of Planning in Owensboro

Karen Finucan Cla



The Greenbelt Walking Trail runs through the Heartlands Development, a planned residential project with a variety of housing. The developer also included an arterial roadway proposed in the community's Transportation Plan.

As it marks its 40th anniversary, the Owensboro Metropolitan Planning Commission in Kentucky has played a major role in guiding change in the community. "I think we have an excellent comprehensive plan that has helped turn the community around and get us headed in the right direction," says Ward Pedley, vice chair of the commission.

Established as a joint commission, the panel handles planning issues for two cities and Daviess County. Five of the 10 planning commissioners are appointed by the mayor of Owensboro, four by the county's judge executive, and one by the mayor of Whiteville. The four-year terms are staggered and expire at the end of December. There are no term limits.

Planning commissioners represent a range of backgrounds, experience, and professions, according to commission chair Drew Kirkland. "All economic levels in Owensboro are covered on the board," he says. "I run a family-owned scrap iron and metal business and we have a developer, president of a private Catholic college, a farmer, an electrician, and a factory worker."

Commissioners, who are unpaid, meet the second Thursday of every month and their meetings are televised live. "If you miss the meeting, it's replayed throughout the month on the local TV station," says Kirkland.

On issues involving subdivision requests and new streets and infrastructure, the commission has decision-making authority. For rezonings, it serves in an advisory capacity, making recommendations to the

The Owensboro Riverfront Development Project will expand public space and stabilize the bank of the Ohio River.

Owensboro Metropolitan Planning Commission

Focusing on Downtown Owensboro

Despite the downturn in the economy, planning is under way to revitalize downtown Owensboro and increase amenities along the Ohio River. With a \$40 million grant from the federal government and \$80 million in local public investment, the project calls for a riverfront park, downtown hotel and convention center, a market square, and an arts academy.

"Property acquisition and the demolition of buildings is under way, and a contract has been given to a developer for a 175-room hotel downtown," says OMPC chair Drew Kirkland. "The county is committed to building a convention center, which it can convert to a basketball arena and convention floor space."

"These are exciting times," says Gary Noffsinger, OMPC's executive director. The city and county are cooperating for the good of the community and focusing on downtown. We tried to do this in the 1980s but we didn't have buy-in from elected officials and economic development folks."

"The city and county governments have gone out on a limb in a stagnant economy to spur downtown development," says Kirkland. The hope is that when the economy improves, the momentum in the downtown will attract additional investment from the private sector.

In anticipation of new building downtown, the city has adopted design standards. "This is new for us," says Noffsinger. "We've had planning and zoning, but never design standards. It will take a little time to see what adjustments we might need to make."

One of the most densely developed cities in the state, Owensboro remains a community of low-rise buildings. "We may see a six- or eight-story condo along the riverfront, but that will take several years to develop," says Noffsinger.

Kentucky's third-largest city, Owensboro is the industrial, medical, retail, and cultural hub for the western part of the state. Roughly 110 miles southwest of Louisville, Owensboro sits just 30 miles southeast of Evansville, Indiana, and is connected to that state via a bridge over the Ohio River. Some 54,000 people call Owensboro home, while about 95,000 reside in Daviess County. One of its fastest growing population segments is individuals over the age of 62.

The city's largest industry is health care. "That's why we're investing \$350 million in a new hospital," says Noffsinger. "This community is a regional health care provider and a leader in research—biotech and cancer—throughout the nation."

Confident that things are moving in the right direction, Ward Pedley, vice chair of the commission, is optimistic that current developments will pay dividends. "I have seven grandkids and I want them to stay in the community," he says. "The only way they'll stay after college is if the community moves forward and gives them something to come back for."

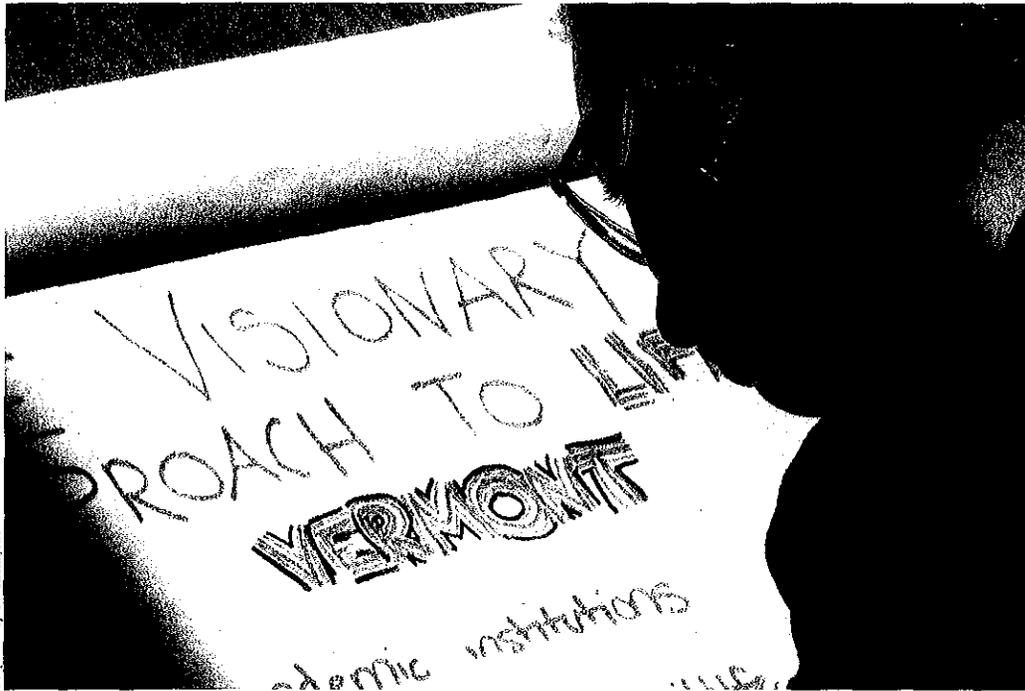
local governing bodies. "We do things a little different here in Owensboro and Daviess County," says Gary L. Noffsinger, AICP, OMPC's executive director. "The planning commission's recommendation becomes final 21 days after it is made unless someone appeals, asking the city council or county fiscal court to hear it. There are very few times when people contest the commission's recommendation."

While some in the community either don't fully grasp the role of planning and zoning or, as Ward Pedley puts it, "just don't like regulations," most find the commission responsive and responsible. Pedley, a developer by trade, paid careful attention to commission actions well before his appointment last year. As part of the local home builders group, he and other members review the performance of the planning commission and staff "and we have found it to be excellent," he says.

A Place at the Table: Youths Join Adults on Boards and Commissions

Karen Finucan Clarkson

Through her board participation, Campbell Halligan came to realize the importance of the details; caring about how things look in her community. She looks around town and sees the results of the board's thoughts and decision making.



All photos by Lee Krohn, AICP



“**T**here are a growing number of cities that are using planning commissions as a component of youth engagement,” says Leon T. Andrews, director of youth development for the National League of Cities Institute for Youth, Education, and Families. “For those in the youth engagement field, there’s been a strong and successful push to develop opportunities for young people to be involved in community decision making—commissions and boards being on the higher end of civic participation.”

Across the country, in communities large and small, students have added their voices to those of adults—not just on planning commissions, but boards of zoning appeals, park and recreation boards, school boards, and even city councils. The genesis and structure of the programs vary but the result is often the same—engaged students who not only better understand the role of local government and the history of their communities but who bring a fresh perspective that often makes their fellow commissioners take notice.

“Youth participation revives the community,” says Richard Hildreth, the mayor of Pacific, Washington. “Allow kids to take ownership and they’ll be more fierce owners than adults. He notes that Pacific has seen a “drop in youth mischief” as a result of the city’s willingness to give students a voice in the community and its future. Pacific has high school students serving on both its planning commission and park board.

In some communities, youth commissioners are the outgrowth of existing programs; in others, they are borne of one individual’s effort, and in a few, they are the result of happenstance. No matter their origin, Andrews says youth engagement programs are most successful in cities and towns that encourage community-wide civic discourse, offer support to students through mentors or adult allies, provide a range of opportunities for participation, and embrace diversity.

While some communities have put together the whole package, most have only bits and pieces in place, though they hope eventually to offer additional opportunities or improve upon what they already are doing. Still, there’s much to be learned from those who have brought youth into the fold.

Manchester, Vermont

It was a confluence of two events that led planning director Lee Krohn, AICP, to look at placing students on town boards and commissions. High school students had successfully assisted with a historic preservation survey and their experience pointed to the promise of youth involvement, while “the utter absence of younger voices” during a discussion of Manchester’s energy future pointed to the need, he says. “We learned afterwards there’d been significant debate on the topic at the local high school, but we failed to engage them.”

The student board member retreat oriented students to various Manchester boards, developed leadership skills, and helped forge a bond among the students. Students brainstormed about their view of Vermont's future.

Megan LaValley is the first student sitting as a full voting member on the planning board. LaValley; Charlotte Hogan, a former student member of the development review board; and Lani Lovisa, service learning coordinator, enjoyed the adventure of urban transit at the 2009 National Planning Conference in Minneapolis.



After meeting with school administrators, the idea of youth commissioners was proposed and adopted by the town selectmen. "Students helped put the presentation together," he says.

Today, Manchester (pop. about 4,300) has two students on each board—an upperclassman and a lower classman. When one graduates the other moves up and another underclassman is sought. Students must apply for the positions by writing to the selectmen and interviewing with them. To help encourage applications, the school sends home letters to parents. "We didn't just want the usual suspects—the leaders or student athletes," Krohn says.

Students act as commissioners in all capacities except one. Those sitting on the planning commission and development review board cannot vote, because the two panels render legal decisions. "They are minors and, as such, cannot sign contracts, and a decision is akin to signing a contract," he explains.

Still, students sit with commissioners, ask questions, and participate in discussions. Over the past three years, Krohn has observed several instances where students' opinions have swayed other commissioners. On an adaptive reuse project, a youth commissioner suggested a change involving a green strip along the front of the property that would "create symmetry of design," he says. "Everyone loved the idea, including the applicant."

He also noted that in a private deliberative session with the development review board, "a student had a perspective, a certain clarity on the issue that others found interesting."

Manchester's program has proven to be a training ground for future commissioners. In October, a student, who had served two years and was now over 18, was appointed to one of the voting seats. "The planning commissioners were unanimous in wanting her to fill one of the 'real' seats," says Krohn.

Service on Manchester's boards and commissions has "gone beyond the stated purpose of including younger voices," he says. Some students have changed their career choice—in one case, from pre-med to public policy—or their choice of college. It also has given some students roots. "One student told me, 'for the first time I can actually see myself coming back here to raise a family,'" Krohn says. In April 2009 Krohn brought his student board members to the American Planning Association's National Planning Conference in Minneapolis to showcase the Manchester program. The program has also been supported by the Orton Family Foundation.

Fall River, Massachusetts

The City of Fall River (pop. about 92,000) was tired of seeing their "best and brightest go off to college, never to return to the community and reinvest," says youth services coordinator Christian McCloskey. So Fall River established a

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Tips for Creating a Youth Seat

Looking to establish a youth seat on a planning board or commission? Here are some tips from communities that have successfully implemented such a program.

- ▲ Determine the reason for involving youth—to give students a voice in the resolution of issues, a better understanding of local government, or roots in the community—and whether commission representation is the best way of accomplishing that.
- ▲ Consider how to attract candidates. Many communities work closely with high school guidance offices or other youth organizations.
- ▲ After considering state laws, decide if the seat will be voting or nonvoting. In some communities, youth commissioners may vote, and the vote is recorded even though it is not official.
- ▲ Develop an appointment process. In some places, schools recommend candidates. Other communities create an application, hold interviews, and have the city or town council appoint the youth commissioner.
- ▲ Determine the number of students that will join the panel and how long they will serve. Many communities have just a single youth commissioner serving a one-year term. Others have two, often a junior and senior. When the senior graduates and the junior moves up, a rising junior is offered a two-year term. Those communities with two observe a higher comfort level among students.
- ▲ Explore the option of offering students community service hours for graduation.
- ▲ Develop an orientation program that not only includes information about planning and zoning in the community but that explains processes, procedures, and legal requirements, *Robert's Rules of Order*, motion making, and ex parte communications.
- ▲ Seek out a planning commissioner to serve as a mentor to the student and encourage the chair to consider ways to engage the youth commissioner in discussions.
- ▲ Understand that a youth commissioner may have other obligations, including homework, which may occasionally take priority over commission meetings.
- ▲ Establish expectations for the youth commissioner, including subcommittee service, involvement in long-range planning activities, and participation in work sessions or retreats.
- ▲ Make certain the parents agree to the student's participation and understand the commitment.
- ▲ Consider that a student's preferred method of communication—texting, for example—may be different than that of older commission members. Be certain the student understands how information will be shared.

youth engagement program that includes delegates to the school committee, city council, park board, and library board of trustees. Planning is on the horizon, he says.

Having previously adopted a Youth Bill of Rights—only the third city in the nation to do so, according to McCloskey—“youth delegates were the natural next step.” Currently, 14 students, including alternates, participate. Two students, a junior and senior, sit on the boards. “That way they feel less intimidated,” he says.

Fall River crafted an application for interested students and developed Youth Voice, a “super” youth group with representation from six different organizations, to handle the initial interviewing and selection. A final interview with adults is required of selected applicants.

In January, Fall River youth commissioners attended a training session that included a discussion of *Robert's Rules of Order* and of the importance of developing relationships with others on the board.

Such a mentorship was invaluable to Kayla Arruda, a student member of the school committee. “My mentor’s a big proponent of the program and calls me before meetings to see if I have questions,” she says.

Despite the hours of prep and meetings each month, Arruda is enjoying her new place at the table. “I can make motions and speak up. I just don’t have a vote,” she says. She also finds the view from where she sits fascinating. “When you’re looking in from the outside, you see things differently than I do now. Not everything is the school committee’s fault. There’s a lot of history that influences what we can do today and legal requirements that we have to go by.”

While Arruda plans to major in engineering next year, she says her committee service “has awakened something in me. In the future I might want to be part of a school committee. Being a superintendent might be an option down the line.”

Pacific, Washington

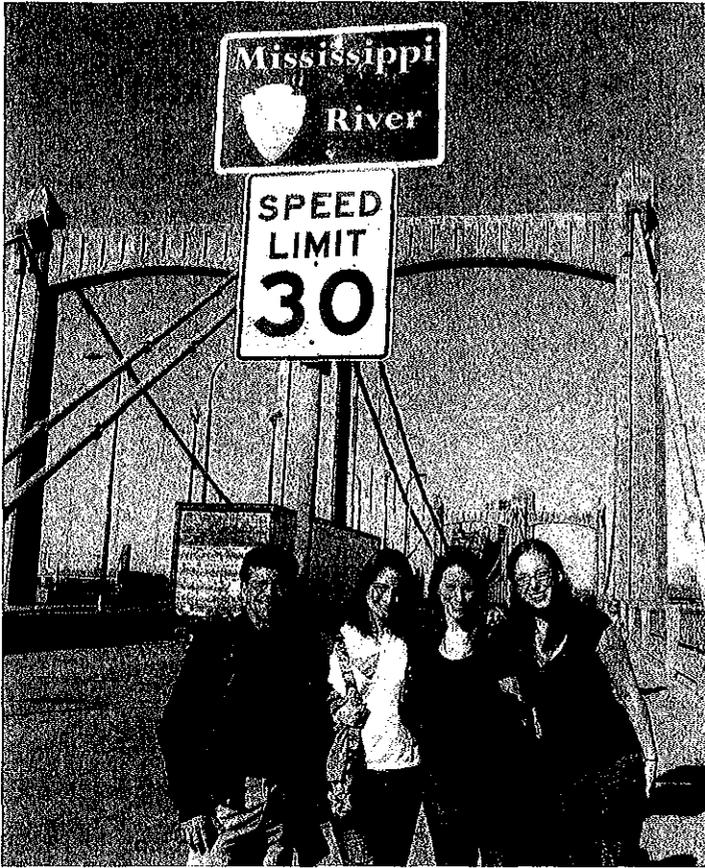
When Aliya Lewis became the first student member of Pacific’s (pop. about 9,300) park board, the city was looking to deal with shrinking revenues by cutting back on park maintenance.

“Aliya stood before council in her capacity as a park board commissioner and spoke about how much was being appropriated for the parks,” says Jay Bennett, the city’s community development director.

Lewis is one of two students to serve on Pacific boards. The other sits on the planning commission. Mayor Richard Hildreth considers youth engagement a priority, and he sees value in adding a younger perspective. “They don’t have the life experiences to relate, but they have more energy and their minds are more flexible,” he says.

Arlene Hatten, a park board commissioner, concurs. “At 51, there’s lots of physical stuff I can’t do and Aliya fills in for me. I have knowledge and can fill in for her,” she says.

“It’s important for adults and youths to meet where they’re not in a parent-child situation and can have more of an equal exchange,” says associate planner Paula Wiech, ATCP. “The experience is invaluable.” Such an equal exchange is promoted by giving student commissioners a vote. “If you bring someone to the table and don’t give them a vote, then they’re really not invited to sit, are they?” adds Hildreth.



In addition to the two youth planning commissioners, the city has two students serving on the conservation commission and one on the housing task force.

Student planning commissioners receive an orientation from Hallsmith, during which she explains the rules of procedure, including how to make a motion and vote. She also describes who on the staff and commission is responsible for what. "I try to make them comfortable with their new status," she says.

Hallsmith noted that some communities have actually made charter changes to ensure the incorporation of youth in civic life. "But if it's part of your city's culture to incorporate youth, I don't think a charter change makes it more likely that the program will continue."

Lucia Bragg's work on the planning commission has empowered her and today she's an active member of the city's district energy committee. "She's been really active and inspiring for other commissioners who've noted her passion," says Hallsmith.

(Left) Manchester planning director Lee Krohn, MCP, toured the Minneapolis waterfront with student board and commissioner members, Charlotte Hogan, Megan LaValley, and Campbell Halligan. (Below) Halligan and Paige Woodward, both of whom served on the design review board, took an active part in the orientation retreat.

While there is no formal training session, Bennett meets with student commissioners to explain the job and the legal issues. "With our planning commissioner, I wanted to make sure he respects the process because we are dealing with issues involving people's property," Bennett says. "I told him, 'you are a full-fledged member of the planning commission and the planning commission is subject to lawsuits. As long as you are acting within your charge as a commissioner, the city covers you.'"

Lewis, for her part, has gotten increasingly involved with the park board. As part of the rewrite of the city's parks plan, Lewis helped develop a Presidents' Day event for the city's youth during which they'd be encouraged to comment about ways to improve the system. She reached out to fellow students, getting them involved as well.

Montpelier, Vermont

"I think part of what made it easier [to move ahead with a student planning commission program] is that we already had a major youth engagement component as part of our long-term planning project," says Gwendolyn Hallsmith, director of the Department of Planning and Community Development. For the past two years, Montpelier (pop. about 7,800) has had two students sit on the planning commission. "They sit with the commission, have name plates like the other members, and vote." While student votes are recorded in the minutes, their votes may not be used to constitute a quorum or break a tie.

Student terms are for one year and are renewable. "We advertise all commissioner openings," says Hallsmith. "Students send a letter of interest and any other information to the city manager. Appointments are made by the city council, just as with all our other planning commissioners."



"Bringing youth on boards is, in our case, part of a commitment to our long-term future. I'd encourage cities to make that commitment and bring youth voices into the discussion of what kind of community we want to leave to our grandchildren," Hallsmith says.

Kill Devil Hills, North Carolina

The application for the Student Involvement Program in the resort community of Kill Devil Hills (pop. about 7,000) seeks to identify youth who "have expressed a committed interest to the fields of public service, history, social or political science, planning, or public administration." Applicants must verify that they have taken or are scheduled to take certain required classes—civics, American history, and AP government.

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The program—which began in 2008, according to planning director Greg Loy—is designed to place a high school junior on the planning board and a senior on the board of commissioners. The junior would move to the new post once the senior graduates, though it's not how it worked the first time out.

Mathews County, Virginia

Youth participation on the county's (pop. about 9,500) planning commission dates back to 1994. A rising senior serves a one-year term. Students also participate on the board of zoning appeals and the wetlands board. All are nonvoting members. Student commissioners are expected to attend all meetings and work sessions.

John Shaw, the director of planning and zoning, provides an informal orientation. In addition to giving an overview of the role of the planning commission, Shaw offers the students some reading and reference materials, including the comprehensive plan and zoning and subdivision ordinances. He also inquires about the student's expectations.

Lawrence, Kansas

Students who serve on the planning commission in Lawrence (pop. about 95,000), a college town, are more land-use savvy than most, as they are enrolled in the planning program at the University of Kansas. "The perspective of a student certainly can be helpful in addressing those town-and-gown issues," says Bradley Finkeldei, the chair of the commission.

"Students bring youth and a fresh, almost utopian, perspective to the board," says Greg Moore, the vice chair. "It's a refreshing approach and reminds me that I was once that way."

Student involvement started in the 1980s, according to Scott McCullough, AICP, the director of planning and development services, and students serve one year as a nonvoting member. "I think it makes them a better planner quicker," he says. "Once they've sat there for a year, they will have been through 24 meetings, some with intense neighborhood conflicts and policy discussions that they would not pick up in a classroom. It goes deeper than a line on a resume. They can draw on the experience on the job."

The experiences in these communities are not isolated. Many more—from Portland, Oregon, to Hampton, Virginia—offer commission-level participation to young people. "This raises the bar, if you will," says Leon Andrews of National League of Cities. "It makes a statement about how a city regards its youth."

Before starting your downtown plan, see how others have approached this important economic development strategy.

APA Publications

Top Ten Myths of Downtown Planning

Phillip L. Walker
Planning, June 2009

An excerpt from *Downtown Planning for Smaller and Mid-Sized Communities*, APA Planners Press, 2009

APA Planning Books.com

The Small Town Planning Handbook

Thomas L. Daniels et al.
 APA Planners Press, 2007

Preparing a Downtown Revitalization Plan

AICP CD-ROM Training Package, 2007

Design Guidelines for Small Towns and Rural Communities

AICP CD-ROM Training Package, 2006

New Approaches to Economic Development

APA and Lincoln Institute of Land Policy
 CD-ROM Training Package, 2005

Web Resources

Downtown and Business District Market Analysis: Tools to Create Economically Vibrant Commercial Districts in Small Cities

University of Wisconsin—Extension
www.uwex.edu/CES/cced/downtowns/dma/index.cfm

Downtown Revitalization

USDA Rural Information Center, National Agricultural Library
www.nal.usda.gov/ric/ricpubs/downtown.html

National Trust for Historic Preservation—Main Street Program

<http://www.preservationnation.org/main-street/>

Project for Public Spaces—Downtowns

www.pps.org/downtowns

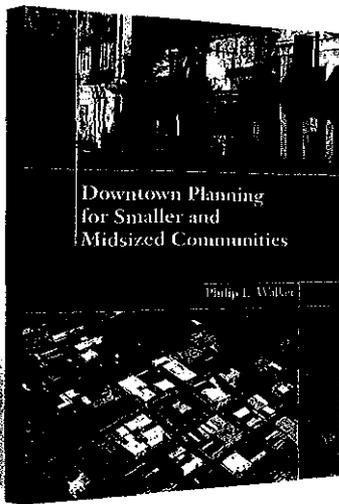
Reports

Turning Around Downtown: Twelve Steps to Revitalization

Christopher Leinberger
 The Brookings Institution Metropolitan Policy Program, 2005

PDF available online at www.brookings.edu/metro/pubs/20050307_12steps.pdf

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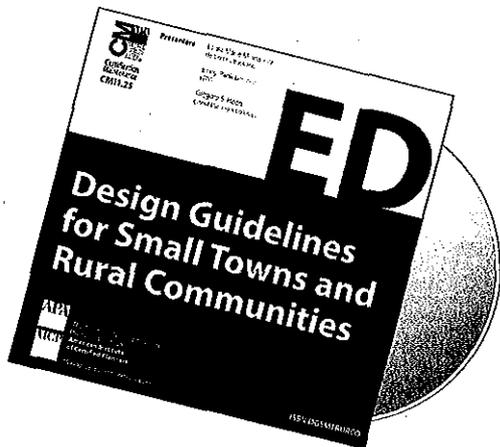
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The True Market for Smart Growth

R. Hunter Gee
Metropolitan Nashville-Davidson County
Planning Commission



Communities around the country are talking about smart growth. While many have developed community-driven visions for their future, implementation remains the challenge.

Small towns are seeing their historic centers and rural character continue to deteriorate. Large cities—economic engines of their regions—lack adequate affordable housing and have aging infrastructure. Mid-tier cities, after years of growth, realize that they have limited land for economic development or open space preservation.

We agree that the market drives economic development and growth. But is there an adequate market for high-density employment centers, urban living, or walkable mixed use retail centers? Cost to the consumer matters. Therefore, “the market” for urban infill is shallow given the cost of land, infrastructure, parking, and building codes plus developers’ challenges with land-use policy and zoning, land assemblage, and NIMBYism. Urban infill is difficult, expensive and time-consuming, ultimately costing the consumer more than traditional development.

Ironically, the cost of urban infill to the community is much less. As Chris Leinberger points out in his book, *The Option of Urbanism*, Albuquerque, New Mexico, determined that the public infrastructure costs for suburban households are 22 times more than those in urban areas. Conceivably, we taxpayers are paying 22 times more to provide a cheaper alternative for the consumer. Isn't this the definition of public subsidy?

So the playing field is not level. Until we offset additional developers' costs for urban infill and the community's costs for suburban sprawl, we don't truly understand what the market wants.

The City of Nashville has begun tackling the issue. Under Director Rick Bernhardt's leadership, the Metro Planning Commission has implemented new policy and zoning tools that incentivize redevelopment. The *Community Character Manual*, our new land-use policy application for the entire city, lays the groundwork for intensification coupled with high-quality urban design. Recent rezonings of our entire downtown and a number of our commercial corridors and centers offer developers greater heights, and thus more development potential.

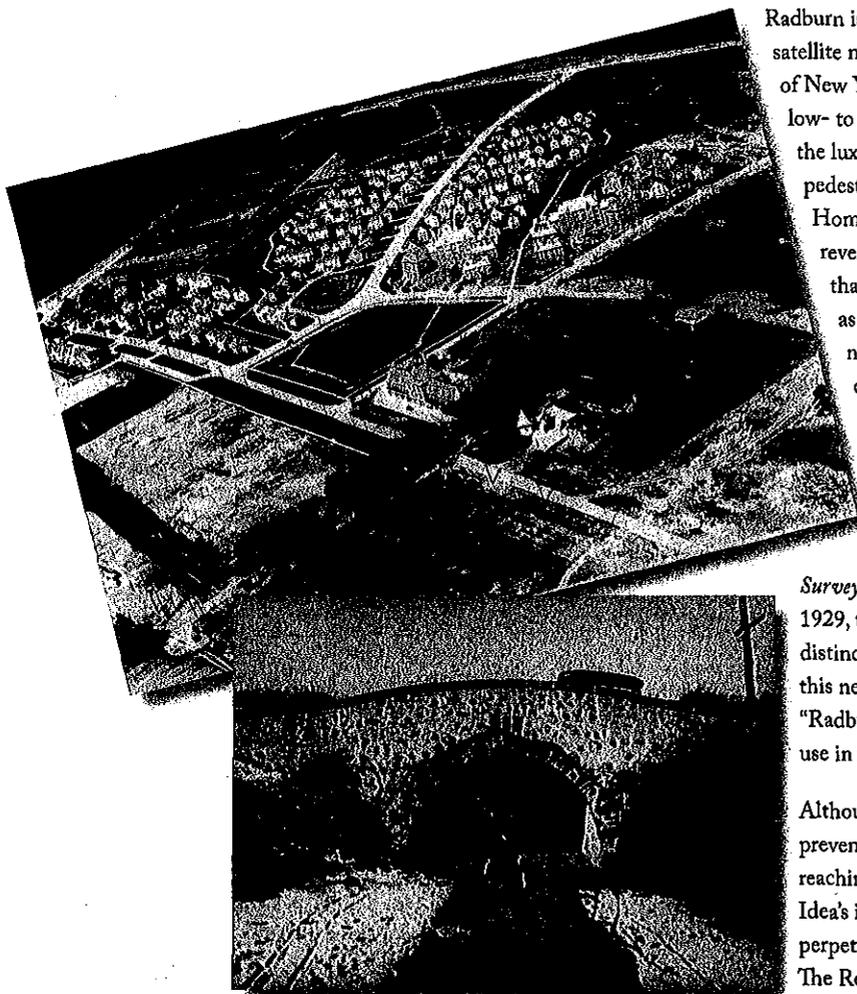
Land-use policy and zoning changes are a first step. Infrastructure-related fees, utility rates, and stormwater requirements in most communities are inequitable, given the cost to the community. Land costs and land assemblage will remain two of the biggest hurdles to overcome.

Regional government and restructuring the tax system and fees are unappealing to most politicians. Schools, police cars, and sewer lines do not vote. People do.

First, people must embrace a common vision that we support in the election booth. Next we must understand the true cost to the community for infrastructure, maintenance, and services. Finally, we must provide our elected officials with a clear roadmap to offsetting those costs, one at a time. Only then will we level the playing field, create choice for the consumer, and understand the true market for smart growth.

Clarence Stein and Radburn, New Jersey

A planner, architect, and member of the Regional Planning Association of America, Clarence Stein was a major proponent of the Garden City movement. In 1929 he and Henry Wright collaborated on the design of a community that would become an icon of this movement and shape the American suburban landscape.



Library of Congress, Photo Division, Farm Security Administration (Carl Mydans, photographer)

Radburn is a comprehensively planned satellite neighborhood 12 miles northwest of New York City designed to provide low- to moderate-income earners the luxuries of living in a parklike, pedestrian-oriented neighborhood.

Homes in the community are reverse-fronted onto greenspace so that each "superblock" functions as a park. Through a hierarchical network of roads, Radburn was designed to accommodate the automobile while isolating it from pedestrian activity. Borrowing from Clarence Perry's Neighborhood Unit formula published in *Regional*

Survey of New York and its Environs in 1929, the plan was organized in three distinct neighborhood units. Stein called this neighborhood design concept the "Radburn Idea," and advocated for its use in federal policy.

Although the Great Depression prevented the full town plan from reaching completion, the Radburn Idea's influence on federal policy has perpetuated Stein's design practices. The Resettlement Administration's new towns were modeled after the Radburn

Idea in their use of superblocks and greenspace. In addition, the neighborhood unit concept shaped the design standards developed by the Federal Housing Administration in the 1930s—standards that would be used to approve FHA-insured mortgages.

Karen Finucan Clarkson is a public information consultant and journalist in Bethesda, Maryland. She wrote the articles on pages 4–5 and 6–10.

Hunter Gee is an architect and urban designer for Smith Gee Studio and serves on the Metropolitan Nashville-Davidson County Planning Commission. He wrote the Commissioner's Voice column on page 11.

Zoé Hamstead, a planner, is the APA conference and education intern. She wrote the history article on this page.

Rana Salzmann is the APA knowledge management associate. She wrote the Resource Finder on page 10.

Julie A. Tappendorf is an attorney with AnceL, Glink, Diamond, Bush, DiCianni & Krafthefer P.C. in Chicago. She wrote the legal article on page 3.

Philip L. Walker, AICP, is the principal of The Walker Collaborative in Nashville, Tennessee, and the author of *Downtown Planning for Smaller and Midsized Communities*. He wrote the article on pages 1 and 2.