

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
February 23, 2009

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

PRESENT: Zaballos, Miller, Kienbaum, Dalee (arrived at 7:18 p.m.), Stone, Coburn.  
ABSENT: Torres. OTHERS: Wallace McDonell/City Attorney, Bruce Parker/Zoning  
Administrator, Wegner.

Zaballos announced the amended agenda item #5 was pulled from the agenda by the Zoning Administrator and the applicant on February 12, 2009. The item was to continue the public hearing for consideration of a conditional use permit application for a proposed addition (3 bedrooms, 1 bath/laundry to 224 side of the existing duplex; and 1 bedroom, 1 bath/laundry to 226 side of the existing duplex) to 224/226 S. Wisconsin Street for Robert E. Freiermuth.

**HEARING OF CITIZEN COMMENTS.** This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no concerns at this time.

**MINUTES.** Moved by Kienbaum & Miller to approve the minutes of January 19, 2009. Motion approved by unanimous roll call vote.

**REPORTS:**

a. Report from Community Development Authority Representative. Tom Miller reported that the CDA just had their meeting prior to this Plan Commission meeting. They are putting together a report on the benefits of TID on the community. They want to give this information to the community so they can see the benefits and the savings to the tax payer in the end. They had an update on the Business Park wetland litigation. They are working on the wetlands in the Industrial Park. The Business Committee was going to send out information pamphlets, but is holding off due to the economy. They had an update on the Technology Park. There was a meeting with the University, and the University is ready to move forward. The Five Points Brownfield evaluation is finished and the report will be available soon. The CDA held a class on lead paint which had a good turn-out. They are planning a class on asbestos. The CDA is working to help get funds to work on the Train Depot Building. The plan is to finish the rest of the inside of the Depot building and also do some work in the basement.

b. Report from Tree Commission Representative. David Stone was unable to attend the last meeting, and asked that Kristine Zaballos report. The Tree Commission met on February 18<sup>th</sup>. 265 trees have been ordered for spring planting. Trees will be planted in the 4<sup>th</sup> Street reconstruction area, along Main Street, Janesville Street, Franklin Street and some on E. Milwaukee Street, Cravath Lakefront Park, and to the 50 requests from citizens. The Tree Commission Ordinance was amended in 2006, but was not put into the Municipal Code book. The City Clerk, Michele Smith is having it updated. There had been some questions on the winter pruning of trees on Main Street and why they are being pruned so high. It was thought that the trees foliage blocked the emitters on emergency vehicles that signaled the traffic lights.

The Tree Commission directed the City to cease the pruning until they determine the problem cannot be solved in another way. The next Tree Commission meeting will be March 18, 2009.

c. Report from Park and Recreation Board Representative. David Stone reported that the Lakes Committee will meet on Wednesday at 3:00 p.m. The Park and Recreation Department is working on shelter architectural designs for Trippe Lake Park. The designs will be presented to the Park Board, who will make a recommendation to the Plan Commission. The Park Board is also looking into prohibiting snowmobiles from traveling in Starin Park and on the lakes. Karen Coburn asked about the algae in the lakes being poisonous. David thought that possibly when they treat the lakes for the algae, they put signs up to notify residents of the treatment. David was going to check with Matt Amundson, the Park and Recreation Director.

d. Report from City Council Representative. Marilyn Kienbaum reported that the City Council awarded the contract for the Trippe Lake Shelter project to Design Alliance Architects; and the Council is wondering what amount of State Shared Revenue that the City may receive.

e. Report from the Downtown Whitewater Inc. Board Representative. David Saalsaa presented information for Downtown Whitewater Inc. Jim Gage's project is going strong. He is doing work on the inside until the weather is good enough to continue the outside work. Façade grants have been issued to Bob Sweet for 204 W. Main Street (landmark hotel) for awning replacements; and to Steve Spear for 161 W. Main Street (Tokoyo restaurant building) for repainting and window replacements. These projects will be done in the spring. The Design Committee is working on revisions to the B-2 Sign Ordinance regulations. They are to the point where they would like input from the City. The Design Committee's next meeting is March 4, 2009.

f. Report from staff. Zoning Administrator Bruce Parker explained that the Tree Commission asked that he look into the trees that were removed from the McDonald street yard area. Bruce has communicated with the owner to either replace the trees or find another solution. Two shade trees were removed; one was damaged and one was in the way of visibility of the traffic lights. The public hearing for the South Neighborhood Plan is scheduled for March 16, 2009. The City has met with the Town of Whitewater. The City and the Township are pretty much in agreement. The parking ordinance was adopted with some minor tweaks to allow for residents vehicles and for easier enforcement. They have held the second Neighborhood Meeting in the hopes of initiating Neighborhood Associations. The next step is for the neighborhoods to make an association. Due to economic times, the City will not be hiring a City Planner. The City will be staying with Vandewalle and Associates to follow through with the Smart Growth requirements and to help the Plan Commission when necessary.

g. Report from chair. No report.

**CONTINUE THE PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR A PROPOSED ADDITION (3 BEDROOMS, 1 BATH/LAUNDRY TO 224 SIDE OF THE EXISTING DUPLEX; AND 1 BEDROOM, 1 BATH/LAUNDRY TO 226 SIDE OF THE EXISTING DUPLEX) TO 224/226 S. WISCONSIN STREET FOR ROBERT E. FREIERMUTH.** This item was postponed to a future meeting.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE INTO A 4-UNIT MULTI-FAMILY BUILDING AND INSTALL A NEW PARKING AREA IN THE REAR YARD AT 214 N. TRATT STREET (ELIMINATING EXISTING PARKING IN THE FRONT**

**YARD) FOR DLK 214 NORTH TRATT, LLC.** Chairperson Zaballos opened the public hearing for consideration of a conditional use permit application for the conversion of a single family residence into a 4-unit multi-family building and install a new parking area in the rear yard at 214 N. Tratt Street (eliminating existing parking in the front yard) for DLK 214 North Tratt, LLC.

Zoning Administrator Bruce Parker explained that the conditional use permit is for a building addition and a new parking lot in the back yard. There will be no parking or vehicle traffic off of Tratt Street. All access will be off Florence Street. The residents of 214 N. Tratt Street will utilize the common dumpster location behind 202 N. Tratt Street, the property to the south. The floor plans for the first and second floors are pretty much the same. The front door of the building will access both the 1<sup>st</sup> and 2<sup>nd</sup> floors. The back door will access only the upstairs. The lighting plans meet city requirements. There will be cross-driveway and drainage easements. The recommendations have been reviewed by Mitch Simon, Brad Werginz, the architect and the owner. The city recommended approval subject to the City Planner's conditions of approval and any changes that were made at the meeting.

Attorney Mitch Simon explained that there were a couple notes on the final plans that were not corrected. On C-101 and C-102, the wall lighting by the back entry door notes that it is above the stoop. The two southern most locations also note that that they are above a stoop, which they are not. They agreed to the City Planner recommendations with a couple corrections. There will be a cross access for the drive through the parking areas. There will not be a cross access parking agreement. Mitch also noted that they need to adjust the recommendation that they specify 16 parking spaces be reserved for this property. If they do not need the 16 spaces for the property, they can be used for others. He will be working with Staff and the City Attorney for an approved provision for the use of the parking spaces. The colors planned for the building are cypress green for the siding with white trim. The roof will be a darker green with black. They changed to these colors in response to the City Planner comments.

The Board voiced concerns of: saving the existing plantings, hedge, trees etc.; the traffic pattern; the lighting of the parking area; the placement of the dumpsters; the lack of attractiveness of the building-suggested a more elaborate entrance to the building and possibly shutters on the windows, and windows on the ends of the building; it does not look residential; the driveways on Tratt Street.

Zoning Administrator Bruce Parker stated that the proposal meets the requirements for the driveway which is a minimum of 20 feet. So there is two way access through the parking areas.

Attorney Mitch Simon that the cross access easement gives them a second way out. The residents could come in and out at Florence Street or exit through the parking area behind 202 N. Tratt Street and through the Indian Village complex. A potential circle driveway. There will be no arrows pointing which way to go in the driveway as it is designed for two way throughout the complex. There is no lighting in the parking lot. The wall mounted lighting on the building will not fall over property lines, but will light the sidewalk areas around the building. There are mature trees on the property and if the lighting is put on a pole in the parking lot, the lighting will diminish in the trees. It will also add to the light pollution, with little or no benefit to the property. There is no lighting on the west side of the parking lot. All driveways on Tratt Street will be gone. They have tried to preserve the trees and vegetation. They have been able to save most of the trees. There will be new landscaping on the east side of the building and along the north end of the building. Mitch Simon also explained that bushes that are too tall create a

safety problem. The dumpsters are in a common area to keep them away from Florence Street. The board wall was constructed to screen the dumpster area due to City request. Brad Werginz, the architect for the project, explained that the south elevation of the building faced 202 N. Tratt Street which was not desirable. The east and west windows provide enough light to meet the light requirements. He explained that the roof line by the front entrance comes out over the door. There is a banding around the building to give it a prairie style look. A second side light on the opposite side of the front entrance will not work because the hinges are up against the protruding wall. Brad suggested adding a ornamental transom window above the door and another side light to balance the existing proposed light, installed on the projecting portion of the building. They did not want to extend the building any closer to the street.

Chairperson Zaballos asked the Board if they would be comfortable with the applicant working with City Staff on the dressing up of the entrance or would they want the proposal to come back to Plan Commission. Attorney Mitch Simon did not want to see a decision postponed, because the applicant would be hiring trades people who are off work due to the economy. They are trying to maintain jobs for people and keep them working. Most felt it could be worked out with City Staff. Plan Commission would like the best solution possible. Zaballos asked about the landscaping plan and the trees that are depicted on the north end of the building.

Architect Brad Werginz stated that those trees should not be there. The two new trees that were to be planted there will not be planted. They would not be beneficial. There are already existing trees in the area. Brad also stated that the trees at the front of the building will not block the windows.

There was a question on the layout of the bathrooms in the apartments. One bedroom in each apartment had the only access to one bathroom, and the other two bedrooms were to share one bathroom. Zoning Administrator Bruce Parker stated that there was no code to require the bathrooms to have more access. The shared bathroom has a washer and dryer in it.

Attorney Mitch Simon explained that being in an R-3 Zoning District, the units could have up to 5 unrelated persons, but their intent is for 3 persons.

The Board voiced concerns of the closet doors, the proposed accordion doors do not last, bi-folds would be better; the doors used would be up to the applicant, they could replace the doors when they tenants changed.

It was determined that it was a maintenance issue. There were no clearance issues for bi-fold or accordion doors.

City Attorney McDonell added language to the conditions for the requirement of the provision of parking spaces for 214 N. Tratt Street (condition number three).

The Planning Consultants recommended approval of the conditional use permit to convert the single-family home located at 214 N. Tratt Street to a 4-unit apartment building, subject to the following conditions as amended at the meeting.

1. The applicant shall make building and site renovations in accordance with the plans approved by the Plan Commission on 2/23/09, including the Site and Landscape Plan (sheet C101) dated 2/13/09, the Site Lighting Calculations (sheet C102) dated 2/13/09, the Basement Floor Plan (sheet A100) dated 2/13/09, the First Floor Plan (sheet A101) dated 2/13/09, the Second Floor Plan (sheet A102) dated 2/13/09, the Roof Plan (sheet A103) dated 2/13/09, the South Elevation

and Tratt Street East Elevation (sheet A201) dated 2/13/09, and the North Elevation and West Elevation (sheet A202) dated 2/13/09.

2. Following completion of the rear yard parking lot, there shall be no vehicular parking in the front or side yard areas, and all spaces formerly used for parking in the front yard area shall be clearly converted to either landscaped or walkway areas.

3. Prior to the issuance of a building permit, the applicant shall provide evidence of a recorded cross-access agreement between 202 N Tratt Street and this property in order to provide legal cross-access to the rear parking lot in perpetuity and provide for shared parking as may be necessary. The parking agreement shall specify that, at all times, a minimum of 16 parking spaces will be reserved for the tenants of 214 N. Tratt Street, or in the alternative, provide suitable other provisions, approved by the City Attorney, to assure the availability of a minimum of 16 parking spaces for the occupants of 214 N. Tratt Street.

4. Prior to the issuance of a building permit, the applicant shall provide evidence of a recorded agreement to ensuring perpetual use of the stormwater basin and dumpster on the Indian Village property to the benefit of 214 N. Tratt Street.

5. Prior to the issuance of a building permit, the applicant shall pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the 3 additional housing units being added to this property.

6. In the event that not all site and landscape improvements are completed before occupancy of this building as a multi-family residence, the applicant shall provide the City with a site improvement deposit in the amount of \$700.

7. The applicant shall work with city staff and obtain approval from city staff, to enhance the front entrance, including, but not limited to adding a transom above the front door, adding second light to the right of the front door, and extending the roof over the front door and adding columns.

Chairperson Zaballos closed the public hearing.

City Attorney McDonell explained that city staff would have to approve any changes to the plans; otherwise it would have to come back to Plan Commission for approval.

Plan Commission Member Kienbaum stated that she hoped they would make the closet doors more sturdy.

Moved by Kienbaum and Stone to approve the conditional use permit for the conversion of a single family residence into a 4-unit multi-family building and install a new parking area in the rear yard at 214 N. Tratt Street for DLK 214 North Tratt, LLC with the conditions of the City Planners as amended at the meeting (see list above). Motion approved by unanimous roll call vote.

**INFORMATION:**

a. Possible future agenda items. The discussion for potential Neighborhood Preservation Approaches is planned for the March 16, 2009 Plan Commission meeting. It would be a joint meeting with the City Council. The public hearing will be held for the South Neighborhood

Plan. There will also be a public hearing for the proposed Flood Plain Ordinance; and review of plans for the Eastsider property.

b. Next Plan Commission meeting. The next regularly scheduled Plan Commission meeting will be March 16, 2009 at 6:00 p.m.

Moved by Kienbaum and Stone to adjourn at approximately 8:24 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner  
Secretary