

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
April 20, 2009

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

Chairperson Zaballos called the meeting to order at 6:00 p.m.

PRESENT: Zaballos, Kienbaum, Dalee, Stone, Torres, Miller, Coburn. ABSENT: None.  
OTHERS: Wallace McDonnell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning  
Administrator, Wegner/Secretary.

Chairperson Zaballos read the amended agenda as of 4:00 p.m. April 15, 2009: Item #12: Hold a  
public hearing for consideration of a conditional use permit to change the existing electronic sign  
message board to a digital sign board located at 950 W. Main Street for the University of  
Wisconsin – Whitewater.

Chairperson Zaballos also asked the Plan Commission, as a courtesy to the University and City  
Staff members who would otherwise have to stay through several public hearings, to move the  
two smaller items #12 an update to the electronic message board sign at the university, & #13 the  
proposed pavilion at Trippe Lake Park, to the top of the agenda, placing them just after the  
approval of the minutes. With no objections, the agenda was amended.

**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 citizen concerns at this time.

**REPORTS:**

a. Report from Community Development Authority Representative. Tom Miller reported that  
their last meeting was March 23, 2009 which included a presentation of the future  
Whitewater.com web site – no action was taken. They discussed the business park marketing  
which was delayed due to the economy. There was a report on TID values which will become  
public in a few months to show benefits. A definition is being worked on to show the  
relationship/direct ties between the City and the CDA. A class on asbestos was to be held at the  
Lakefront Center, but will not be held in Whitewater due to low interest. The class will be held  
in Waukesha. There was also an update on the Tech Park.

b. Report from Tree Commission Representative. Dave Stone was unable to attend the last  
meeting due to a conflict. He will be unable to continue as the Tree Commission Representative.  
A new representative will be elected at the May Plan Commission meeting.

c. Report from Park and Recreation Board Representative. David Stone reported that a park tour  
will be on May 11<sup>th</sup>. The Park Recreation Board discussed the Park and Open Space Plan to  
prioritize the most important projects.

d. Report from City Council Representative. Marilyn Kienbaum reported that the City Council is scheduled for a discussion of the nuisance ordinance which is expected to be postponed for more consideration. The Landlord Association and at least one of the neighborhood groups were going to give some input and take an official position on it.

e. Report from the Downtown Whitewater Inc. Board Representative. Tami Brodnicki, Executive Director of Downtown Whitewater Inc. handed out their annual report update and for those interested, a summary of Recap visit "Marketing & Entrepreneur's Relations". They are expecting a façade grant for the Tokyo building.

f. Report from staff. City Planner Mark Roffers noted that they have received 10 to 15 responses to the Neighborhood Preservation Approaches: Preference Questionnaire. This questionnaire gives the community an opportunity to give input to the direction of Neighborhood Preservation. The deadline for the questionnaire is April 30, 2009. This information will become a part of the City of Whitewater Comprehensive Plan.

g. Report from chair. Chairperson Zaballos reminded Plan Commission members that at the May meeting the Plan Commission will have their organizational elections. There may possibly be a new appointment from City Council and from the Park and Recreation Board. Citizen members will be appointed by the City Council at their next meeting.

**MINUTES.** Moved by Miller and Torres to approve the minutes of March 16, 2009 with a few minor corrections. Motion approved with all ayes except Coburn abstained. Moved by Torres and Hartmann to approve the minutes of May 5, 2008. Motion approved with all ayes except Coburn abstained.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO CHANGE THE EXISTING ELECTRONIC SIGN MESSAGE BOARD TO A DIGITAL SIGN BOARD LOCATED AT 950 W. MAIN STREET FOR THE UNIVERSITY OF WISCONSIN – WHITEWATER.** Zoning Administrator Bruce Parker explained that the sign change requires a conditional use permit, which is approved by the Plan Commission. The original sign was approved a number of years ago. The proposed digital sign board is smaller (option #3). The side panels will be filled in and are not counted as part of the sign. The sign will be double sided and fits in to what they have had in the past.

Moved by Miller and Torres to approve the conditional use permit to change the existing electronic sign message board to a digital sign board located at 950 W. Main Street for the University of Wisconsin-Whitewater. Motion approved by unanimous roll call vote.

**REVIEW PROPOSED TRIPPE LAKE PAVILION TO BE BUILT AT TRIPPE LAKE PARK AT 407 S. WISCONSIN STREET.** Park and Recreation Director Matt Amundson explained that the proposed Trippe Lake pavilion is a grant project, part of a Stewardship Program which will cover 50% of the project cost. The City portion of the project will be paid one half coming out of the park development fund and the other half out of the capital improvement fund. Pete Weston was present to answer more detailed questions. The colors are still up for debate. The brick will be the cream city brick color, but they are looking at changing the silver roof and black steel columns. The landscape design will be expanded due to local residents who want to be a part of this project and privately donate. The Park and Recreation Board has approved the building. It was here for Plan Commission review. This pavilion is a big goal in the second 5 year master plan which was to create handicap accessible bathrooms for

year round use. There will also be a room for minor food preparation with a serving window. The building will serve as a trail spearhead.

Someone asked about plans to clean up the lakes. Matt explained that there is a lakes management plan which is planned for the 4<sup>th</sup> quarter of 2009. There are recommendations for projects and strategies for how to improve lake quality and how to get funds. The first part of this effort will be a survey to voice opinions. The lakes are no deeper than six feet.

Pete Weston, Architect for this project, explained that for esthetics, the brick will be a cream colored brick. They are looking at a bronze or brownish color for the roof and beams. There is a bid option for the interior for grand split face block which has a 100 year long life. The building will be built on the existing foundation. The Department of Natural Resources has concerns of the building being adjacent to part of an archeological site. There will be no digging on the site and everything will fit on the existing building foundation. The landscaping will consist of a little foundation plantings between the building and the lake. There will be some plantings between the parking lot and the sidewalk up to the building; and a retaining wall in back of the building.

City Planner Mark Roffers explained that this project has been in the Park and Open Space Plan for approximately seven years.

The Board voiced that according to the Park and Open Space Plan and the public meeting, the building must be built to be usable; with the true southern exposure, have solar panels been considered.

Park and Recreation Director Matt Amundson noted that the shelter at Turtle Mound Park has a bronze roof and brown posts. He also explained that WE Energies has renewable energy grants. Pete Weston is checking into the possibilities.

Moved by Stone and Coburn to approve the proposed Trippe Lake pavilion to be located at Trippe Lake Park at 407 S. Wisconsin Street. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR THE ADOPTION, BY RESOLUTION, OF THE SOUTH WHITEWATER NEIGHBORHOOD DEVELOPMENT PLAN AS PART OF THE CITY OF WHITEWATER MASTER PLAN.** Chairperson Zaballos opened the public hearing for consideration of the adoption, by resolution, of the South Whitewater Neighborhood Development Plan as part of the City of Whitewater Master Plan.

City Planner Mark Roffers explained that a public hearing was held at the last meeting at which most comments were made by John Hoffmann pertaining to the west side. The public hearing was postponed and re-noticed for the April 20<sup>th</sup> meeting. He explained that they had met with John Hoffmann and Mitch Simon and received comments from others. This plan is an overview, a plan for future growth for a 10 to 20 year period on the South side of Whitewater. The plan will help make decisions for future development. This is the fourth and final plan prior to starting the Smart Growth Comprehensive Plan. The East Neighborhood Plan was done in 1999; the West Neighborhood Plan in 2003 and 2004; the North Neighborhood Plan adopted in January 2007; and the current South Neighborhood Plan which we have been working on for over a year. On the updated map for the west side of the South Neighborhood Plan, they have tried to differentiate the color better. There are three areas where changes are taking place. The Hoffmann property, southeast portion, will now be designated as Tech Park or commercial and the west portion will be designated Tech Park or Planned Mixed Use. The environmental

corridor on this property will be cleaned up to reflect the actual boundary. The Southeast Wisconsin Regional Planning Commission was recently out to survey the wetlands. They found it to be larger, but in a different way. The most significant change is in the northwest quadrant in regard to the scale and quality of commercial development that we would like to see in that area. The large scale for this area would be a grocery store size development. There will be community commercial areas buffering the residential areas from the highway. Between the railroad tracks and Hwy. 59, if the tech park works great, if not, commercial designates. The South Neighborhood Plan follows the sewer service area except for the orange area on the map. There will be significant neighborhood involvement in any development.

The Kraus's would like the City to consider a re-designation of their property off S. Franklin Street, north of the bypass to be "mixed residential" to allow for higher density there. Mark Roffers supported this re-designation except for the environmental area, due to the isolation of the property and that a cul-de-sac in that area would be well over 1000 feet which is the limit for a city street. It would just be a recipe for problems. He suggested long term uses of park and open space, farming, or 1 or two home sites. South of Willis Ray Road and along Hwy P, the Plan will go along with the Whitewater Township Plan, keeping the land agricultural.

On Elkhorn Road, the commercial lands have been moved closer to the bypass rather than closer to the round-a-bout. East of Howard Road is designated for future neighborhood development and North of Bluff Road is designated Industrial. There have been text changes for the map changes and for the comments that have been exchanged over the last couple of weeks. CDA Coordinator Mary Nimm critiqued the document and all the typographical errors will be corrected also.

City Planner Mark Roffers explained that if the Plan Commission approves the South Whitewater Neighborhood Plan as a part of the City of Whitewater Master Plan, it will go to the City Council for certification.

Nancy Lynd O'Hara explained that she and her sister Kathy Rolli own the property designated Tech Park or Commercial. She stated that she would like the 70 acre property to be zoned commercial. She would like to see the alternative road going along the outside edge of their property instead of going through the middle of the field. She would also like to receive notice and be included in on where the road will be configured in.

John Hoffmann, in working with the City in regard to his land and the tech park and the democratic process that happened, he commended the Plan Commission, the City and the City Planner.

City Planner Mark Roffers recommended the Kraus 9 acre (upland) property could be designated as single family and put in text if the Plan Commission agrees. Environmental areas are limited to 1 house per every 5 acres per SEWRPC standards.

Plan Commission Member Coburn asked if there was a density consideration with mixed residential.

City Planner Mark Roffers explained that the Plan does not get too specific; the Zoning Ordinances would implement the more specific criteria.

City Planner Mark Roffers recommended that there be one change on the map, which is the Kraus property south of the power lines, to be re-designated to mixed residential. He went over

some of the text changes. The minor typographical errors will be corrected. They will re-designate the environmental corridor on the SE corner of the Hoffmann property.

Attorney Mitch Simon, representing the Hoffmann interest, thanked the City Planner for accommodating their interest in this plan. He had one concern, last change, for the definition of mixed residential. He explained that if nothing happens with the tech park, having a mixed use designation, they would be precluded for anything but limited single family. In the southeast and southwest quadrants, for the west side of the Indian Mound Parkway and possible future extension, he would like it to read “suitable for single family” rather than “limited single family”. His concern is how limited is “limited”?

City Planner Mark Roffers recommended that the Plan Commission stick with the language as presented. He stated that if the tech park didn’t work, they would redo the area anyway. The Plan does provide flexibility for this area.

Chairperson Zaballos closed the public hearing.

Moved by Stone and Miller to adopt, by resolution, the South Whitewater Neighborhood Development Plan as part of the City of Whitewater Master Plan. Motion approved by unanimous roll call vote.

**CONTINUE THE REVIEW OF THE PROPOSED ADDITION (3 BEDROOMS, 1 BATH/LAUNDRY TO 224 SIDE OF EXISTING DUPLEX; AND 1 BEDROOM, 1BATH/LAUNDRY TO 226 SIDE OF EXISTING DUPLEX) TO 224/226 S. WISCONSIN STREET FOR ROBERT E FREIERMUTH.** Zoning Administrator Bruce Parker explained there were a few issues that needed to be addressed including that there could be no more than six vehicles in a side or street yard for a duplex. Bob Freiermuth came back with a new plan with two parking stalls behind the proposed new addition, and new grading plan. The addition will have steps off the main floor and the lower level will have a door out to a patio, with steps up to the grade of the parking area. The retaining wall will be stone to allow for drainage. There will be a 2 to 1 slope off the back yard. The dumpster enclosure and six parking stalls will still be in the front yard area. The drainage will go down the driveway to the landscape area to the east. There is not a problem with drainage with the neighboring properties. This is a plan review, duplexes are allowed in an R-3 Zoning District.

City Planner Mark Roffers explained that people hustled last week to get the information together. The proposal is no longer in violation of the front and side yard parking ordinance standard. This is a permitted by right use. The Plan Commission can have an influence, but it will be a challenge to say no without there being a clear ordinance violation. City Planner Mark Roffers recommended approval subject to the following six conditions:

1. The site plan shall be developed in accordance with the site plan and building elevations approved by the Plan Commission on 4-20-09, except as changes are necessary to meet the conditions that follow.
2. Cars may be parked only in the 8 designated parking spaces.
3. A blue spruce or similar tree shall be substituted for the sugar maple, and an oak or similar tree shall be substituted for the superform maple, and other minor changes approved by staff may be made.

4. Adequate space shall be provided to allow the backing out of parking space #1.
5. Before a building permit is issued, the applicant shall submit to the city a site improvement deposit in the amount of \$200 to ensure all site improvements will be completed. All improvements shall be completed prior to re-occupancy.
6. Before a building permit is issued, the city staff shall receive adequate assurance that the property owner to the south has reviewed and had an opportunity to comment on the plan.

Matt Kuehl, one of the owners of the property, thanked the City Planner and Bruce Parker for working with them on this project. The surveyor and builder for the project were at the meeting to answer any technical questions. Matt explained that they have a plan in mind for every property they own. They do quality projects to improve the properties and in return have tenants that respect the property.

The Board voiced concerns of the neighbors fence and the #8 parking space; and questioned the landscaping on the north side of the drive, near the neighbor's storage building.

Bill Shroble, manager of Gerald Shroble Estates, stated that there was no need for bushes to screen by the storage building. He would prefer to see something toward the rear of the residence where there are bedrooms. He feels the yard is getting pretty busy, too much landscaping on the north side. His concern is the property to the south, where their back yard is this properties front yard.

Zoning Administrator Bruce Parker explained that they are also planting 17 arborvitae on the south side of the driveway. He also suggested that the last three trees toward the road be moved back to take the view of the cars away. If they were to plant trees on the lot line, they would need permission from the Shroble's to plant them there.

Matt Kuehl suggested that the change in landscaping be left unresolved and let Bruce Parker approve.

Anne Shroble, who resides at 238 S. Wisconsin Street, is concerned about the snow and water drainage across the sidewalk, causing problems for pedestrians. She would like to have a guarantee that the property will be policed properly and kept cleaned up. She thought angle parking would work better.

Moved by Kienbaum and Stone to approve with City Planner Mark Roffers conditions. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR AN ADDITION WITH AN ATTACHED GARAGE TO BE LOCATED AT 327 W. ANN STREET FOR DALE AND GAYLE STETTLER.** Chairperson Zaballos opened the public hearing for consideration of a conditional use permit for an addition with an attached garage to be located at 327 W. Ann Street for Dale and Gayle Stettler.

Zoning Administrator Bruce Parker explained that a conditional use permit is required in order to have an average street yard. It is the average of the street yards of the two adjacent properties. In this case it averages out to 10 feet. The proposed plan is for a 12 foot street yard setback. A new garage normally has a setback 25 feet which would allow for parking in the driveway. The

current sidewalks on Ann Street end at 365 W. Ann Street. They plan to be continued to connect with the Cravath Lakefront Park sidewalk system. They will not be constructed for at least a couple years. The sidewalks will probably be done at the time the street improvements are made. Bruce recommends that at the time the driveway is installed, the driveway approach at the right of way line, a 4 foot section of sidewalk is installed. When the sidewalk is installed along the rest of Ann Street, the Stettler's will not be able to park in their driveway and they will also have to remove the large landscaping rocks located in the street right of way. Their plan does comply with the 75 foot shore setback and the 100 year flood setback.

Gayle Stettler stated that they are looking at a September construction start.

Chairperson Zaballos closed the public hearing.

Moved by Stone and Torres to approve the conditional use permit for an addition with an attached garage to be located at 327 W. Ann Street for Dale and Gayle Stettler. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO REMOVE THE EXISTING BUILDINGS LOCATED AT 242 N. TRATT STREET AND CONSTRUCT A NEW 8 UNIT MULTI-FAMILY BUILDING (SIX 4-BEDROOM & TWO 5-BEDROOM) AND RELATED NEW PARKING LOT AND DRIVE (COMMON DRIVE WITH 252 N. TRATT STREET) FOR DLK 242 N. TRATT STREET LLC.** This item and the next item were reviewed together.

**REVIEW PROPOSED PARKING LOT ALTERATIONS (REMOVE FRONT YARD PARKING & INSTALL NEW 8-VEHICLE PARKING LOT IN REAR YARD WITH A JOINING DRIVE FROM TRATT STREET, JOINT WITH 242 N. TRATT STREET) FOR THE PROPERTY LOCATED AT 252 N. TRATT STREET FOR DLK 252 NORTH TRATT, LLC.**

Chairperson Zaballos opened the public hearing for consideration of a conditional use permit to remove the existing buildings located at 242 N. Tratt Street and construct a new 8 unit multi-family building (six 4-bedroom and two 5- bedroom) and related new parking lot and drive (common drive with 252 N. Tratt Street) for DLK 242 N. Tratt Street LLC. and to review the proposed parking lot alterations (remove front yard parking and install new 8-vehicle parking lot in rear yard with a joining drive from Tratt Street, joint with 242 N. Tratt Street) for the property located at 252 N. Tratt Street for DLK 252 North Tratt, LLC.

Attorney Mitch Simon explained that the proposed plan is subject to working things out with the engineers in regard to the stormwater. They also found out just prior to the meeting that they would have a DNR permitting issue if they did all three properties at the same time. Their solution at this time, in order to meet requirements, they want to postpone the hearing for 258 N. Tratt Street. So instead of the proposed plan, 252 N. Tratt Street would be restricted to 5 or 6 parking stalls. This is being scaled back to deal with the total disturbance area. As one project it is not feasible, so they asked for postponement of the N. Lot, item # 10 on the agenda (258 N. Tratt Street). Mitch Simon explained that 242 N. Tratt Street, the eight unit building, will be brick, the parking and driveway on the south will be removed. They have added a front porch to the building to dress it up. The main entrance is the side doors, the driveway side. There is also a sidewalk from the driveway area. The dumpster enclosure will be located in the northwest corner of the property. There are major grade changes from the center of the lot to the back of

the lot. The drainage is being reviewed. The property drains towards Florence Street. The water drainage will not affect any other properties. A portion of Florence Street is to be upgraded.

City Planner Mark Roffers explained that he approves of the changes made and it is in line with the rest of the homes on Tratt Street. He was concerned about the scale of the building from Tratt Street. The changes will make it look similar to a duplex structure.

Zoning Administrator Bruce Parker explained that when conversions or additions are proposed, the City recommends that all parking be moved to the back of the building. It makes the street a much nicer green space area.

Attorney Mitch Simon asked for Plan Commission to allow for the additional expansion of the parking area as a condition of the conditional use on the 252 N. Tratt Street site plan for driveway easement rights to comply with requirements when 258 N. Tratt Street proposal is approved.

Mark Roffers stated that the sketch that Bruce Parker drew on the plan would be the approved parking change.

The architect, Brad Werginz, explained the use of brick makes it a nice addition to the neighborhood. He included furnishings in the plans for the apartments to help show the scale. There will not be any furniture included in the rental of the apartments. All apartments have 4 bedrooms except for 2 on the second floor have 5 bedrooms (unit 6 & unit 7 on page A105 of the plan). The building will have a black roof with coral color brick. There will be horizontal bands in the brick by orienting the bricks differently.

Plan Commission Chair Zaballos closed the public hearing.

City Planner Mark Roffers recommended approval of a conditional use permit to construct an eight-unit apartment building at 242 North Tratt Street, subject to the following conditions as amended at the meeting:

1. The project shall be constructed in accordance with the Site and Landscape Plan (sheet C101) dated 4/15/09, the Building Elevations sheet (sheet A202) dated 4/15/09, the first floor plan and second floor plan (sheets A104 and A105) dated 4/15/09, and the site lighting plan dated 4/15/09, except as any changes to those plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the Site and Landscape Plan (sheet C101) shall be revised and resubmitted for City staff approval, including the following changes:
  - a. The new concrete sidewalk shown on the Site and Landscape Plan shall be indicated as being raised at least 6 inches from the grade of the adjacent driveway/parking lot.
  - b. The two parking lot islands shall be at least five feet in width and shall be indicated as being enclosed by concrete curb.
  - c. Wheel stops shall be added to the front ends of all parking spaces that are located within five feet of property lines to prevent damage to fencing and landscaped areas.
  - d. The dumpster area shall be clearly indicated to be enclosed by a screen fence on all sides, and shall be rechecked to assure that it is of adequate size to hold the required dumpsters.
  - e. The plan shall clearly indicate that all existing driveways no longer required to remain will be removed, yard and terrace areas will be re-landscaped, the sidewalk along Tratt



Street will be repaired as necessary, and concrete curb and gutter will be restored on the appropriate sections of Tratt Street.

- f. Any minor changes to meet the requirements of stormwater management/utility or other plans shall be made.
3. Prior to the issuance of a building permit, the applicant shall obtain City engineering consultant approval of a final grading/stormwater management/utility plan, and obtain any necessary easements for stormwater facilities serving the property.
4. Prior to the issuance of a building permit, the applicant shall provide evidence of a recorded cross-access and shared parking agreement between this property and the 252 North Tratt Street properties, 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 34 parking spaces will be reserved for the tenants of 242 North 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 7 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, the applicant shall provide the City with a site improvement deposit in the amount of \$700.
7. Deleted.
8. Per the applicant's application, occupancy shall not exceed one unrelated person per bedroom, which shall be specified in all lease agreements, and may be enforced by either the property owner or the City.
9. Following completion of the rear yard parking lot, there shall be no vehicular parking in the front yard area, and all spaces formerly used for parking in the front yard area shall be clearly converted to either landscaped or walkway areas..
10. All pole-mounted lighting shall include high-pressure sodium fixtures, not the metal halide fixtures that are indicated on the 4/15/09 lighting plan, and such fixtures shall be mounted to be parallel to the ground surface, all in accordance with the City's lighting ordinance.
11. The front railings around the patio area shall be stained or painted in a manner that is compatible with the building (i.e., not left as unstained/unpainted pretreated lumber).
12. Future access may be provided to the property owner to the south as indicated on the Site and Landscape Plan if and when minor site plan adjustments and an expanded cross-access agreement are provided for City staff approval.

City Planner Mark Roffers also recommended site plan approval for site improvements at 252 North Tratt Street, subject to the following conditions as amended at the meeting:

1. The project shall be constructed in accordance with the Site and Landscape Plan (sheet C101) dated 4/15/09 and the site lighting plan dated 4/15/09, except as any changes to those plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the Site and Landscape Plan (sheet C101) shall be revised and resubmitted for City staff approval, including the following changes:
  - a. The new concrete sidewalk shown on the Site and Landscape Plan shall be indicated as being raised at least 6 inches from the grade of the adjacent driveway/parking lot.

- b. The plan shall clearly indicate that all existing driveways no longer required to remain will be removed, yard and terrace areas will be re-landscaped, the sidewalk along Tratt Street will be repaired as necessary, and concrete curb and gutter will be restored on the appropriate sections of Tratt Street.
  - c. Any minor changes to meet the requirements of stormwater management/utility or other plans shall be made.
  - d. The parking lot adjustments based on Plan Commission discussions be made.
3. Prior to the issuance of a building permit, the applicant shall obtain City engineering consultant approval of a final grading/stormwater management/utility plan, and obtain any necessary easements for stormwater facilities serving the property.
  4. Prior to the issuance of a building permit, the applicant shall provide evidence of a recorded cross-access and shared parking agreement between this property and the 242 North Tratt Street properties, 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 5 parking spaces will be reserved for the tenants of 252 North Tratt Street.
  5. This approval shall be null and void if associated conditional use permit approvals for 242 North Tratt Street are not also approved.

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

Moved by Zaballos and Stone to approve the conditional use permit to remove the existing buildings located at 242 N. Tratt Street and construct a new 8-unit multi-family building (six 4-bedroom & two 5-bedroom) and related new parking lot and drive (common drive with 252 N. Tratt Street) for DLK 242 N. Tratt Street LLC. with the conditions of City Planner Mark Roffers as amended at the meeting. Motion approved by unanimous roll call vote.

Moved by Stone and Torres to approve the parking lot alterations (removing the front yard parking & installing new 8-vehicle parking lot in rear yard with a joining drive from Tratt Street, joint with 242 N. Tratt Street) for the property located at 252 N. Tratt Street for DLK 252 North Tratt, LLC with the conditions of the City Planner Mark Roffers as amended at the meeting. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO CHANGE FROM A SINGLE FAMILY RESIDENCE TO A DUPLEX, ADDING A SECOND STORY; REMOVING THE DRIVE/PARKING FROM THE FRONT YARD AND INSTALL A NEW PARKING AREA IN THE REAR YARD AT 258 N. TRATT STREET FOR DLK 258 NORTH TRATT LLC.** This item was pulled from the agenda 4-20-09 by the applicant.

Attorney Mitch Simon wanted the record clear that this hearing was not to proceed and to be postponed.

**DISCUSSION OF POSSIBLE CHANGES TO THE CITY OF WHITEWATER SIGN ORDINANCE.** Dave Saalsaa, Chair of the Design Committee, provided input for proposed Sign Ordinance changes. He read the introductory page of their suggestions, which included that they have reviewed the proposed amendments to the Sign Ordinance in reference to the B-2 Zoning District. Their desire is to present a more friendly plan for the district while enhancing

the historic appearance of our downtown. He stated that this is a preliminary, conceptual review of suggestions. He also welcomed further dialog with city staff and the Plan Commission.

City Planner Mark Roffers stated that he appreciated the effort of the Downtown Design Committee. He questioned if a non-city organization could delegate approval or non-approval.

City Attorney McDonell stated that he thought it would be considered a recommendation, but would need to do some legal research.

Chairperson Zaballos stated that a recommendation was kind of fuzzy. She was more comfortable with it as input.

Dave Saalsaa stated that their intent was only for input.

City Planner Mark Roffers also questioned the mini policy debate on the internally laminated plastic signs in the downtown area. The Plan Commission has normally attached conditions to not have backlit signs, but it is not forbidden in the downtown. Determination could be done through a site review process, or maybe conditional use. He was looking for ideas that could be folded into the draft.

Plan Commission Member Rod Dalee asked about allowing a 5 foot easel sign.

City Planner Mark Roffers and Zoning Administrator Bruce Parker explained that it was a reasonable height, but that on a corner it could cause visibility problems.

Plan Commission Member Coburn asked about the right-of-way for outdoor dining, 3 feet versus 5 feet.

Zoning Administrator Bruce Parker explained that there is a minimum 4 foot sidewalk width. The American Disabilities Act (ADA) requires a clear sidewalk width.

Dave Saalsaa asked that the Plan Commission not be so restrictive that the ordinances would discourage businesses. They would like the ordinances to be business friendly.

Chairperson Zaballos explained to the Plan Commission that if the members wish to go to a Design Committee meeting, they should go as individuals and not as a Plan Commission Representative.

City Planner Mark Roffers stated that he and Bruce would try to get together with the Design Committee and will then update the draft ordinance, considering the input.

Dave Saalsaa explained that they would like the ordinance to be clear and easy to interpret for applicants and for the City; easy for laymen to understand and city staff to enforce.

**INFORMATION:**

a. Possible future agenda items. Zoning Administrator Bruce Parker noted that possible items for the May Plan Commission meeting would be the Main Street Shops and the Sign Ordinance. Election of Chair and Vice Chair, Plan Commission Representative to the Tree Commission, and Plan Commission Representative to the Community Development Authority will also take place. Other possible future items will be training for the Plan Commission members.

b. Next Plan Commission meeting. The next scheduled Plan Commission meeting will be Thursday, May 14, 2009 at 6:00 p.m. It will be the kick-off for City of Whitewater Comprehensive Plan followed by the regular Plan Commission meeting which would normally be held on the following Monday, May 18, 2009.

Moved by Miller and Coburn to adjourn at approximately 8:50 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner  
Secretary