

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
June 15, 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, Binnie, Dalee, Stone, Torres, Miller, Coburn. ABSENT: None.
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Wegner/Secretary.

ELECTIONS. Chairperson Zaballos opened the nominations for Chairperson. Stone nominated Gregg Torres for Chairperson. Zaballos seconded. Miller nominated Kristine Zaballos for Chairperson. Zaballos declined. There were no further nominations. Chairperson Zaballos called the vote for Gregg Torres as Chairperson which was approved by unanimous roll call vote.

The new Chairperson, Gregg Torres, took over the meeting. Torres opened the nominations for Vice Chair: Stone nominated Kristine Zaballos for Vice Chair. Torres seconded. Kristine nominated Tom Miller for Vice Chair. Miller declined. Coburn nominated David Stone. Stone declined. There were no further nominations. Chairperson Torres called for the vote for Kristine Zaballos for Vice Chair which was approved by unanimous roll call vote.

Chairperson Torres opened the nominations for Plan Commission Representative to the Community Development Authority (CDA). Zaballos nominated Tom Miller. Stone seconded. There were no further nominations. Chairperson Torres called the vote for Tom Miller to be the Plan Commission Representation to the Community Development Authority which was approved by unanimous roll call vote.

Chairperson Torres opened the nominations for the Plan Commission Representative to the Tree Commission. Miller nominated David Stone. Zaballos seconded. Plan Commission Member Binnie questioned whether we should have two Plan Commission members on the Tree Commission. The Tree Commission is a 7-member board. Binnie was concerned that three of the board member seats would be occupied by Council or Plan Commission members. Neither Stone nor Miller had a problem with whatever City Council would decide on the position. Chairperson Torres called for the vote for David Stone to be the Plan Commission Representative to the Tree Commission. Ayes: Miller, Zaballos, Dalee, Stone, Torres. No: Binnie, Coburn. David Stone would be the Plan Commission Representative to the Tree Commission. Binnie and Coburn both voted no because of the situation of City Board members taking up three seats of the 7 member board of the Tree Commission.

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 at their last meeting they had a presentation of the spec building concept. There is a company who has expressed interest. The campaign for the business park is underway. They are sending out post cards at different intervals to create interest in the business park. They also had a website update.

b. Report from Tree Commission Representative. Dave Stone reported that large trees had fallen in Starin Park; and Mary Ann Scott was the new chairperson of the Tree Commission.

c. Report from Park and Recreation Board Representative. David Stone reported that they approved a policy for snowmobiling on Tripp and Cravath Lakes, which was going to the City Council at its next meeting. This is one of the goals in the Park and Open Space Plan.

d. Report from City Council Representative. Lynn Binnie reported that TIF 3 was terminated. The Neighborhood Preservation Ordinance, the property condition nuisance related portion second reading was passed. The contract was approved for reconstruction project for First and North Street. The requirement of the "Oath of Office" was removed. The Council adopted a policy on attendance at Board and Commission meetings.

e. Report from the Downtown Whitewater Inc. Board Representative. Tami Brodnicki, Executive Director of Downtown Whitewater Inc., reported that they had worked hard on the Sign Ordinance; She expects "Tokyo" building and the "Main Street Shops" to have information to the Plan Commission possibly next month. The Down Town Whitewater Inc., the Chamber of Commerce and the City have been getting together for the purpose of serving and working together to see how we can enhance the community.

f. Report from staff. City Manager Kevin Brunner informed the Plan Commission on two projects. The Innovation Center will be located in the Tech Park which is now located south and east of the existing business park. They will be announcing the first tenant shortly. At the next Plan Commission meeting, they plan to have the site plan review within the Tech Park. They will have a higher level of restrictive covenants than the current business park area. In their feasibility study they felt that it would be best to delegate site plan review to the Tech Park Board instead of the Plan Commission. The second item is a TIF review to give the Plan Commission an overview of the TIF Districts. There seems to be a misunderstanding of how TIF works. They will be putting together a power point to explain for the next meeting.

g. Report from chair. No report.

MINUTES. Moved by Zaballos and Coburn to approve the minutes of May 14, 2009 with a correction to the Council Report. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A "CLASS B BEER AND LIQUOR" LICENSE FOR MARK WOKASCH, TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 146 W. MAIN STREET (FAT JACK'S BAR AND RESTAURANT). Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a "Class B Beer and Liquor" license for Mark Wokasch, to serve beer and liquor by the bottle or glass at 146 W. Main Street (Fat Jack's Bar and Restaurant).

City Planner Mark Roffers explained that there had been two approvals of conditional use for this property which happens when there is a change of ownership. The Plan Commission reviews and approves the conditional use permit looking at the land use and neighborhood and if it should be a continued operation. The City Council grants the liquor license. In 2005, there were long deliberations which resulted in 10 conditions, which carried over in the 2007 approval. Mark recommended that the 10 conditions remain except that #10 be left up to the Zoning Administrator to bring the conditional use back for review within one year of business occupancy if warranted.

The City Planner conditions of approval are:

Pending comments at the public hearing, we recommend that the Plan Commission approve the conditional use permit for Fat Jack's Roadhouse, located at 146 W. Main Street, to allow the sale of alcohol by the bottle or drink, subject to the following conditions:

1. For the conditional use permit to remain valid, the business shall continue to be operated in general accordance with the "Operational Plan," submitted to the Plan Commission on June 13, 2005 and with the "Presentation—Plan and Architectural Review Commission—Fat Jack's Roadhouse" document submitted on July 5, 2005.
2. No exterior remodeling or design changes may occur on the property without subsequent review and approval by the Plan and Architectural Review Commission.
3. The business shall be open and full-menu food service shall be provided, at a minimum, during dinner hours six days of the week and during lunch hours on weekends.
4. There shall be no outside service or patron use of deck space until and unless the conditional use permit is amended at a later date. The rear entrance/exit to the business shall not be for patron use, except in cases of an emergency.
5. The security plan, included in the "Operational Plan" submitted to the Plan Commission on June 13, 2005, with any amendments subsequently approved by the Police Chief, shall be maintained over the life of the project.
6. The use shall at all times comply with the City's noise ordinance, and may be inspected by the City at any time to ensure such compliance.
7. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
8. The basement level shall be used for storage only, unless a second ingress/egress to that space is provided.
9. A recorded access easement or agreement across the Ketterhagen property, effective for the proposed owner, shall be presented for Zoning Administrator approval prior to occupancy by the new owner (if the current easement only runs with the owner and not with the land).
10. If advised by the Zoning Administrator, Plan and Architectural Review Commission review and public hearing for this conditional use permit shall take place within approximately one year of business occupancy. In its review of the actual operation of the conditional use, the Plan Commission may require amended or additional plans or conditions as warranted by reviewing the project against the conditional use permit standards in the zoning ordinance, other applicable

ordinances, and previously approved plans and conditions. The Plan Commission may also revoke the conditional use permit at such time if substantial non-compliance with approved plans, conditions, and City plans and ordinances are observed.

Mark Wokasch explained that the bar would be run the same as it has in the past. They would like to implement a few changes over time (work in progress) such as a change in hours to include the lunch hours. They would like to be open from 11 a.m. to bar time, 7 days per week. Their emphasis will be on the food, lunch and dinner. He had no objections to the conditions of City Planner Mark Roffers report. They will continue with the same agreement for the easement for garbage disposal. He was also looking for input from the Plan Commission as far as serving outside on the deck and patio area. They will be upgrading the deck to make it accessible and look nicer. It would be nice to have summer lunch service, cocktails and appetizers outside. It would be full service. They are trying to prepare for the smoking ban that will go into effect next July. He wants to keep their customers. They are working on preparing a lunch menu before they open for lunch. They will be enclosing the back yard area and use lattice around the deck. They will have crowd control and security in that area. There will be a gate at the stairs; customers will not be allowed downstairs without staff personnel. They will have monitors covering the area. They want to remove the stairs to the apartment and just have a fire escape there. Mark Wokasch was looking for input as to what is feasible. He would like to make the good looks on the inside continue to the outside.

City Attorney McDonell explained that the City Council will give a specific square footage and description of the area in which alcohol may be served. The Plan Commission would need to approve the back deck and City Council would need to approve that increased area in order to add it to the area in which alcohol may be served.

Plan Commission Members voiced that they would like to see much more details about the dining area outside; the front doors of the building have a dirty look to them, they need to be resealed.

Plan Commission Member Stone wanted to note that the Plan Commission would allow the broader hours for Lunch and they could go into effect as soon as Mark Wokasch was granted his license.

City Manager Kevin Brunner suggested that Mark Wokasch work with Downtown Whitewater Inc. as they do have façade grants available.

Mark Wokasch was asked about his background. He stated that he has been in the restaurant business for about 5 years. He was a manager at “Randy’s” for two years and a manager at “Beer Here” for two years.

Chairperson Torres closed the public hearing.

Moved by Miller and Dalee to approve the conditional use permit for a “Class B Beer and Liquor” License for Mark Wokasch , to serve beer and liquor by the bottle or glass at 146 W. Main Street (Fat Jack’s Bar and Restaurant) subject to the 10 conditions of the City Planner as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO CONSTRUCT THE PROPOSED OFFICE ADDITION AT 144 N. TRATT STREET FOR DLK ENTERPRISES, INC. Chairperson Torres opened the public hearing for consideration of a

conditional use permit to construct the proposed office addition at 144 N. Tratt Street for DLK Enterprises, Inc.

City Planner Mark Roffers explained that the proposal is for an 800 square foot addition off the back of the existing building. He recommended approval subject to a few conditions which include replacing of the fencing; and condition #4 adding terrace trees, the location of the proposed tree to the south should be shifted closer to the business to the south.

City Planner Mark Roffers recommended approval of this office addition subject to the following conditions as amended at the meeting:

1. The applicant shall make building and site renovations in accordance with the plans included in his June 2009 submittal and approved by the Plan Commission on 6/15/09, including the Site and Landscaping Plan (sheet C101) dated 6/5/09, the Floor Plan (sheet A101) dated 5/29/09, and the north, east, south, and west building elevations (sheet A401) dated 5/29/09.
2. If not already done, the applicant shall clearly stripe parking spaces in the parking lot area and repair or replace any fencing in poor repair.
3. All areas of the driveway that are removed shall be restored to grass, except those under the proposed building addition.
4. The proposed street tree species (*Ginkgo biloba*) shall be male. Both the species and location shall be approved by the City Forester prior to installation.
5. In the event that not all site and landscape improvements are completed before occupancy of this office addition, the applicant shall provide the City with a site improvement deposit in the amount of \$500.
6. The applicant shall be required to compare the floor plan sheet to the building elevation so that windows match in both places.

Plan Commission Member Zaballos requested that the species on the landscaping plan could deal with snow plowing and the salt.

Plan Commission Member Coburn asked about the window on the north side of the building that is not shown on the floor plan.

The Architect would make sure the plans matched.

Chairperson Torres closed the public hearing.

Moved by Binnie and Zaballos to approve the conditional use permit conditional use permit to construct the proposed office addition at 144 N. Tratt Street for DLK Enterprises, Inc. with the conditions of City Planner Mark Roffers as amended at the meeting. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CHANGE OF THE CITY OF WHITEWATER
ORDINANCE REGULATIONS, TO ENACT THE PROPOSED AMENDMENTS TO
THE CITY OF WHITEWATER MUNICIPAL CODES: CHAPTER 12 AND CHAPTER
19, SPECIFICALLY SECTION 12.48 AND 19.54 SIGN ORDINANCE, UPDATING THE**

ORDINANCE AND ADDRESSING THE B-2 (CENTRAL BUSINESS) ZONING

DISTRICT SIGNAGE REQUIREMENTS. Chairperson Torres opened the public hearing for consideration of a change in the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Codes: Chapter 12 and Chapter 19, specifically Section 12.48 and Chapter 19.54 Sign Ordinance, updating the ordinance and mainly addressing signage in the B-2 (Central Business) Zoning District.

City Planner Mark Roffers explained that the Plan Commission has looked at the Sign Ordinance two or three times in the last several months for the purpose of serving the Downtown area, and evolving community attitudes. The proposed ordinance allows for sandwich board/pedestals and electronic changeable message board signs to be allowed in commercial zoning districts Citywide. These amendments will put the sign information in the City's Code of ordinances all in one location. Chapter 12 will have reference to get to the sign information in Chapter 19. City Planner Mark Roffers and Zoning Administrator Bruce Parker met with Downtown Whitewater Inc. Executive Director Tami Brodnicki and the Design Team Chairperson Dave Saalsaa and worked to incorporate their requests for changes to the Sign Ordinance.

Plan Commission Member Binnie asked about ghost signs that may have been painted on the buildings 100 years ago and have been covered up. Roffers responded that if they are discovered/restored, they will not count against the total signage allowed, unless they advertise a business that is still in the building.

Commission Member Binnie also asked about the signs inside the windows, such as a flashing white light. Roffers responded that if such a device has the attention-getting purpose of a sign, it could be considered a sign. Mark stated that flashing signs are not allowed under the code as it is now written.

City Planner Mark Roffers explained that window signs would not be able to cover more than 1/3 of the area of the window to which they are mounted. Plan Commission Member Zaballos stated that in the past, signs put up inside of and not mounted to the window were usually not regulated, and signs mounted on the outside of the window or attached to the window would be regulated. This would change with the amended ordinance.

City Attorney McDonell stated it has been Zoning Administrator Bruce Parker's policy to not enforce window sign requirements if they are installed inside of the window, but visible from the outside. The amendments to the Sign Ordinance would specify that any sign within a foot of the inside of the window would be regulated as a sign.

City Planner Mark Roffers noted that the way the proposed ordinance amendments are currently written, existing signs that do not conform to the new regulations would be allowed to be maintained, but if they fall down or fall into disrepair, they could not be rebuilt or reinstalled. City Planner Mark Roffers explained that when you change requirements, any new proposal is subject to the new rules. If one is concerned about older businesses having been subject to different rules than newer businesses. The only resolution is to never change the standards. The Plan Commission could recommend that some future date be added to the ordinance in which all signs would have to come into compliance. The City does not need to grandfather all existing signs if it does not wish to.

Plan Commission Member Zaballos stated that there should be a plan for being proactive with communication of ordinance requirements.

Mark Roffers suggested emails and brochures as two options.

Mitch Simon stated that a major focus of the new ordinance appears to be what is in the windows. Are Coors and Budweiser now going to be considered signs? Can the Main Street Shops businesses have a window sign and a sandwich board sign? And if you change a sign, do you need a sign permit?

City Planner Mark Roffers explained that there can be a collection of different window signs as long as they do not exceed 1/3 coverage of the window. A business can also have a wall sign and can have a sandwich board sign as a temporary sign. Downtown businesses are allowed all three types. Window signs and wall signs would require a permit, as would the first installation of a sandwich board sign. The sandwich board signs can be changed every day without getting a new permit. Temporary banners also require a permit.

Design Team Chairperson Dave Saalsaa asked why the electronic message center sign standards needed to be so detailed. Mark responded that electronic message board signs can cause a traffic safety problem with people reading and driving at the same time. It is possible to limit the length of the message. Therefore, speed and length of message and brightness of the signs can be a problem if not handles well. Dave then noted that some of the less expensive signs don't auto adjust brightness. Mark responded that it would be possible to exempt signs under 10 feet in area from being required to auto-adjust brightness.

Dave Saalsaa asked whether illumination could be allowed on sandwich board signs, for example, holiday time possibly through non-flashing, cordless lights.

Mark Roffers suggested defining a month or a maximum number of days (30 days) within one year where sandwich boards could be lit.

Dave Saalsaa also asked about changing the distance required for clear sidewalk width to three feet (instead of 4 feet).

City Manager Kevin Brunner stated that those persons with disabilities may need the four foot width.

Chairperson Torres closed the public hearing.

Moved by Binnie and Coburn to recommend to City Council to approve the sign ordinance amendments with the following additional changes:

1. Line 83 and 84, remove remainder of sentence after: "Wall sign" means a sign mounted parallel to a building façade or other vertical building surface.
2. Line 171 to allow only cordless lighting for sandwich board signs.
3. Line 185 to require a four foot minimum width of unobstructed travelway that remains available in all directions on the sidewalk at all times.
4. Line 207 to 209 Adding " signs 10 feet or less in size would be exempt.
5. Line 236 Adding after the total number of permanent business signs permitted, "except a second group sign located at a second public building entrance shall not count against the maximum building total."
6. The sunset for all non-conforming signs would be three years from date of adoption of this ordinance.

Motion approved by unanimous roll call vote.

PUBLIC WORK SESSION FOR THE CITY OF WHITEWATER COMPREHENSIVE PLAN. City Planner Mark Roffers explained that the kick off meeting was May 14, 2009. The Plan is to be adopted by the end of December 2009. In August there will be a discussion with the draft plan ready by September. They are working on the background chapters which include inventory, job growth, and maps. There will be about 60 to 70 pages of background. Neighborhood preservation considerations: the concept of investment/qualities; which neighborhoods should be defined as preservation areas; mapping the strong candidates; defining the boundaries of neighborhoods (28 different areas); analyze the data and find where different neighborhood strategies would apply. Allow a ¼ mile buffer from the university campus (within walking distance). Evaluate existing land uses and the potential for development. Conversions: consider residential R-2 areas a conditional use for duplex conversions. Other considerations are: Owner occupied vs. rental; assessed values, condition grade and curb appeal. Within the next month, the City Planners will have the core statistics and will present them in map and summary form. They will characterize neighborhoods. This is a work in progress. They will want to get a reaction as to how to present it better or differently.

Prue Negley, representing the Park Board, explained that they are concerned with preserving green space, park areas and environmental corridors.

The maps will indicate environmental corridors, vacant land both public and private.

City Manager Kevin Brunner explained that we need to look at the future. The university doesn't have much room to grow. There will be more students in the next five to ten years. We need to consider where it would be appropriate to encourage university housing, scrutinize the ¼ mile area around the university. There will be more density closer to campus. We need to be more "Town and Gown", the City and the University working together. The Caine and Gault Street area is way beyond the ¼ mile. In these types of areas, we should discourage density due to the distance from campus.

Plan Commission Member Zaballos stated that we also need to consider the proximity from the downtown area. We need ideas to link the campus with the downtown in a more flexible manner.

City Manager Kevin Brunner explained that we need to think about the Starin Road extension and the tech park; the physical connection and development along it.

City Planner Mark Roffers explained that we need to know how the neighborhood plans relate to the comprehensive plan. We need to review how we got to where we are; some ideas have been refined, flushed out or changed. The West Whitewater Neighborhood Plan bridges the gap between Main Street and Tratt Street, extends the road from Swagger Drive to the interchange across the environmental corridor; extends Indian Mound Parkway to the north to Swagger Drive. West of Warner Road is Rock County. There has been a change in the State law that a city cannot annex land without county and town approval. They plan to revisit and address this issue. The North Whitewater Neighborhood Plan was worked on in 2006-2007. We will be revisiting this plan for transportation, the Starin Road connection and land use around it; the possible reuse of the Alpha Cast and Kienbaum Salvage site areas, which could have the potential for student oriented housing. Starin Road is designed for slower traffic. County Highway U would be the preferred route to connect to Highway 59. The analysis of why the road is wanted is to relieve future traffic. Other things to be considered are the pre tech park around the Moraine View Park; the business park office usage west of Newcomb Street between

Enterprise Blvd. and Executive Drive; the business park area for industrial use to be north of Highway U. Move Highway 59 to Howard Road and take traffic off of Newcomb Street. Starin Road to Newcomb Street to be used for retail (four city blocks with mixed use of housing and retail).

City Manager Kevin Brunner explained that the tech park is 130 acres and includes all of Moraine View Park. It will have higher standards; green tech architecture and will be located next to wetland conservancy.

Plan Commission Member Zaballos asked that the Tech Park Board have a Plan Commission appointee.

Kevin Brunner stated that the intention is to have their restrictive covenants to the Plan Commission at their next meeting. They plan to set the tone/standard for the Business Park and the whole community.

Plan Commission Member Stone suggested that there be buffers between uses, such as fencing or landscaping, and the future baseball fields.

The South Whitewater Neighborhood Plan, Highway 59 is re-routed to the Howard Road corridor, by the Business Park and through the community. If the tech park is not located on the Hoffman property, the property will be revisited. We will need to determine what drives Indian Mound Parkway to the south to connect to Highway 59. Numerous residential efforts for this property have been made, but have not succeeded. Things to be considered for this property are: it's location south of the bypass, areas of rock, wetlands, bypass and railroad tracks which are good exposure for non-residential and provides negatives to housing.

City Planner Mark Roffers stated the final issue is to determine where larger blocks of single family homes are located that won't be converted. We could consider designating ¼ mile from single family residences near other schools besides the university (high school, middle school, grade schools).

Mark Roffers stated that there will be a mini discussion at the July meeting, and a major meeting in August in regard to Neighborhood Preservation.

INFORMATION:

a. Possible future agenda items. Possible items for the July Plan Commission meeting would be the site plan for the Tech Park, TIF, information on permanent business signs.

b. Next Plan Commission meeting. The next scheduled Plan Commission meeting will be Monday, July 20, 2009 at 6:00 p.m.

Moved by Zaballos and Coburn to adjourn at approximately 9:02 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary